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**OBLIGATION AS ETHICS:
THE POWER OF ROMAN ὀφειλή AS THE KEY TO CONFLICT
RESOLUTION IN ROMANS 14:1-15:13**

by

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A Thesis Submitted to the Open University in collaboration with Sponsoring Establishment, the
Kirby Laing Institute for Christian Ethics, Cambridge
For the Degree of Doctor of Philosophy

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Preface

This dissertation is submitted to the Open University in collaboration with the Kirby Laing Institute for Christian Ethics, Tyndale House Biblical Research Centre in Cambridge, England. This dissertation is a result of my own work and not work done in collaboration and has been conducted under the supervision of Dr Bruce Winter.

My initial interest in researching the Roman background of the New Testament grew out of my interest in the first-century setting of the New Testament. My desire was to explore the cultural context and the terminology invoked by Paul as he addressed cultural issues of significance to the Christians in Rome. This exploration resulted in the discovery of the highly significant role that Roman law and conventions played in the lives of the Romans.

The research was principally carried out in Tyndale House Biblical Research Library in Cambridge. The time, tools, and the community available at Tyndale House were crucial for the evolution of the thesis. I give special appreciation to Dr Bruce Winter, warden of Tyndale House, for his wisdom, insight, and encouragement on the long journey of this project. My deepest appreciation is extended to him as both indebtedness and gratitude. The contribution of his assistance and knowledge has left an indelible mark on my life. Dr Andrew Clarke, my secondary supervisor, has also made some helpful suggestions in the completion of the project. I express appreciation to him also.

I also thank Dr Sean Butler, Director of Studies of Law in St. Edmund's College and on the faculty of Law at Cambridge University, and Dr Andrew Riggsby, Professor of Classics and Art History at the University of Texas in Austin, Texas and author of *Roman Law and the Legal World of the Romans*, for their expertise and

major contribution in helping to clarify and guide the Roman legal aspects of my thesis.

The expansion of my knowledge of the Graeco-Roman culture and its link to New Testament studies has extended my range of knowledge and appreciation for *Koine* Greek, the Graeco-Roman influence of the New Testament, and the insightful impact of culture in conflict with common Christocentric themes in daily life, especially as it relates to people living in Rome during the first century.

I express appreciation to my family, and especially to my parents, to whom the project is dedicated.

Tyndale House
Cambridge

The abbreviations of books, periodicals, reference works, Internet publications, secondary and primary works in this thesis follow established usage. Commentaries on Romans are cited by author only (e.g. Jewett, 171). The *Loeb's Classics* have been used as the primary source of Graeco-Roman sources at or near the first century. They are cited by author, book, and reference from the *Loeb Series*.

Shorter Synopsis

OBLIGATION AS ETHICS:

THE POWER OF ROMAN ὀφειλή AS THE KEY TO CONFLICT RESOLUTION IN ROMANS 14:1-15:13

One weakness in some contemporary New Testament studies involves examining a word meaning without considering the depth of its meaning in light of historical, social, and customary first-century usage. The challenge comes in reading a word in contemporary twenty-first-century language, but understanding its full meaning from the first-century culture. New Testament studies of Paul in his Epistle to the Romans tend to focus on his theology as a theological treatise or to focus on certain social theories that limit the scope of cultural underpinnings in the Greek text. Obligation as ethics, the power of ὀφειλή (obligation) as the key to conflict resolution, aims to examine Romans 14:1–15:13 in its historical-sociological context with an emphasis on Roman law.

Rome was a peculiar society where its inhabitants were required to fulfil obligations and duties as a vital part of daily living. Therefore, obligation in Roman society filters through Roman law, character, customs, and a path of duty in daily life. Obligation in the Christian community required rethinking the customary standards in obligation to Jesus Christ. Roman law influenced custom, determined a course of social interactions, and reinforced behaviour patterns. It was founded on Roman law and its legal basis set forth a map, a plan, a nexus of social ties in relationships, and clear expectations in daily social practice. Roman law itself was structured in a framework of Graeco-Roman virtues and vices which influenced the character and societal customs (*mores*) of its citizens and non-citizens.

The construct of virtue, as practiced in the first century, accentuated a long history of aristocratic rules and defined social roles that solidified a Roman social hierarchy that polarized two social classes: the strong and the weak. The strong were the aristocratic superiors based on rank, status, wealth, and prestige. The weak were social inferiors who, according to Roman law and the *mores*, were obligated to submit to the power of the strong. Roman obligation, a critical tool for Roman social practice, order, harmony, and conflict resolution, served in society as a lubricant to order society and to relieve social tensions.

The textual evidence of Romans 14:1-15:13, and the context underpinning it, indicate that the social distinctions of 'the strong' and 'the weak' were reflected in the early church in Rome. Their tendency, based upon Roman law and social custom, was to relate as the superior strong and the inferior weak with the weak obliged to submit. However, Paul plunders this concept and makes use of the conventional tool of Roman obligation in a new way. His countercultural solution aimed to resolve the tension that threatened to split the church.

SECTION ONE:

OBLIGATION IN ROMAN SOCIETY

Introduction

In this thesis it is proposed to argue that the main concern of Paul in Romans 14:1-15:13 is the resolution of conflict between the strong and the weak. In the past, research on this passage has been done largely by reconstructing the *Sitz im Leben* in Rome's Christian community in light of 'the strong' and 'the weak' problem discussed in I Corinthians 8:1-11. Neither passage has been read in light of the important nexus between Roman law and life. The focus of this thesis will be on Paul's letter to the Romans interpreted in the light of this crucial nexus.

J. A. Crook, the late Professor Emeritus of Ancient History at the University of Cambridge, in his ground-breaking book *Law and Life of Rome 90 BC - AD 212*, asserts that Roman law and social connections were intertwined; specifically, that Roman law with its legal code embraced all aspects of Roman social relationships undergirded by specifying legal and social obligation.¹ Crook's study casts important light on the social connections between the strong and the weak in Roman society and law's "reflection of society" in the first and second centuries.² His important work can throw new light on New Testament studies and represents a challenge to scholarly interpretations of Romans 14:1-15:13. New Testament scholars suggest a key to interpretation in Romans 14:1-15:13, especially Romans

¹ J. A. Crook, *Law and Life of Rome, 90 BC - AD 212: Aspects of Greek and Roman Life* (Ithaca, New York: Cornell University Press, 1967), 1-15. His work signifies a major paradigm shift in Roman studies. Bruce Winter asserts Crook's decades long plea for incorporating "Roman legal history into the wider discipline of history" [Bruce Winter, *Roman Wives, Roman Widows: The Appearance of New Women and the Pauline Communities* (Grand Rapids: Eerdmans, 2003), 3]. He cites K. Hopwood's Festschrift essay for Crook where Hopwood acknowledges this shift, "The [Roman] laws passed are an invaluable source for the ideology of their period; they may or may not tell us what people were doing; instead they tell us what the ruling groups wanted people to be doing and what they wanted them not to be doing" [K. Hopwood, "Aspects of Violent Crime in the Roman Empire," in *Thinking Like a Lawyer: Essays on Legal and General History for John Crook on His Eightieth Birthday* (ed. P. McKechnie; Mnemosyne Supplements ccxxxi; Leiden: Brill, 2002), pp. 63-80, *cit.* 65.

² Crook, *Law and Life*, 7-8. Crook says Roman society was "enmeshed" in a complex set of legal rules. He also notes that "it is likely that more Romans knew about their legal institutions than Englishmen do theirs" (7-8), i.e. a set of obligations involved "social relationships" (p. 13).

15:1, are an obligation of indebtedness, a moral obligation, or a general social obligation.³ Crook's important book suggests the influence of legal and social obligation as vital to interpretation. It will be suggested that Paul uses this social obligation in Romans 14:1-15:13 as a legal binding requirement on internal relationships in the church. Crook's work provides an interpretive cultural insight on Roman law that Paul understood and invokes as a means of conflict resolution. Therefore, this thesis aims to explore the power of ὀφειλή (obligation) which Paul invokes in Romans 15:1 as the key to resolving conflict between the strong and the weak in Romans 14:1-15:13. Roman law spans several hundred years, thus narrowly defining the function of Roman law near the time of Paul's writing his letter to the Romans and during the reign of Nero can best be handled by looking at Roman law in the first century with a special emphasis given to what Crook refers to as the connection of law and society in the "grand theme of Roman law," that is, law "designed to bring out their social relationships."⁴

Of course, New Testament studies have recognised obligations in the first century between masters-slaves, patrons-freedmen, patrons-clients, and the emperor to the people.⁵ Law prescribed that masters and slaves ought to share obligations, the slave ought to be obedient to his or her master and the slave owners "under strong obligation to provide their slaves with the basic needs of life - food, clothing and shelter..."⁶ Patrons and freedmen related to each other on the basis of social relations and a system of honour, with the freedmen somewhat "handicapped by obligations towards his patron and by disabilities in

³ Moo, *Romans*, 812 n. 8; Cranfield, *Romans*, 2:730 n. 1; Jewett, *Romans*, 876.

⁴ Crook, *Law and Life*, 13. David J. Bederman, *Custom as a Source of Law* (Cambridge: Cambridge University Press, 2010), 3-26. Bederman argues two keys: (1) From Roman law it can be seen "that custom is, indeed, a positive source of obligation" (20); (2) "All law begins with custom," so much so that "one can conclude that a proof in practice in Roman law depended upon a showing of its longevity, consistency, and widespread [social] observance" (3, 19).

⁵ Jeffers, *The Greco-Roman World of the New Testament* (Downers Grove, Ill.: Intervarsity, 1999), 180-196; Richard Horsley, ed., *Paul and Empire: Religion and Power in Roman Imperial Society* (Harrisburg, Penn.: Trinity Press, 1997), 1-126.

⁶ Keith Bradley, *Slavery and Society at Rome* (Cambridge: Cambridge University Press, 1994), 81.

society.”⁷ Patrons and clients ought to be bound together by dutifulness, rights and duties, and, according to Tacitus in the days of Nero, “held by the bond of servitude,” which was another way of supplying obligations to social and legal relationships.⁸ The emperor and the people both had obligations in Roman society, exemplified in the title *pater patriae*. Cooley describes the title, “The title *pater patriae* evoked the connotations of the father figure in Roman society, reflecting not only the affection and responsibility a father feels towards his children..., but also the obedience required by law from the children to their father...”⁹ George Mousourakis, a teacher of legal history and comparative law at Niigata University in Japan and at the University of Auckland, New Zealand, describes such obedience as “extreme formalism, indeed ritualism” adding,

...formalism denotes not only the need for compliance with the forms or rules of procedure characteristic of any legal system, it also emphasizes form in very part of the legal system: the casting of all acts in an unchangeable form where successful completion depends on strict adherence to a set ritual engaging certain words and gestures.¹⁰

The Roman legal system produced a class of codes or a “social compact,” that is, social obligations as to what persons were to do or not to do in a given set of circumstances.¹¹

Social obligations required adherence to a set of legal rules and customs encompassing duties such as obeying authority, maintaining loyalty, sustaining bonds and conventions within families, in business and in relationships, and maintaining good order based on one’s social position in society.¹² Obedience and obligation formed synonymous meaning in the context of Roman law as ordinary citizens related in daily life to the emperor and Roman power.

J. A. Crook’s revolutionary thesis on *Law and Life of Rome* and his *Festschrift*

⁷ A. M. Duff, *Freedmen in the Early Roman Empire* (Cambridge: W. Heffer & Sons, 1958), 89, 95.

⁸ Crook, *Law and Life*, 51-55; Tacitus, *Annals* 13.26-7.

⁹ Alison Cooley, *Res Gestae Divi Augusti: Text, Translation, and Commentary* (Cambridge: Cambridge University Press, 2009), 274.

¹⁰ George Mousourakis, *A Legal History of Rome* (London: Routledge, 2007), 21.

¹¹ Sir Henry Maine, *Ancient Law* (London: John Murray, 1897), 15, 307-9.

¹² E. A. Judge, *The Social Pattern of Early Christian Groups* (London: Tyndale, 1960), 72-77. He discusses obligation under the chapter heading “Ideas of Social Obligation.”

represent clear evidence of both a paradigm shift in how Roman law and life connected as well as laying invaluable groundwork for law as a reflection, influence and dynamic in its social context.¹³ Having said that, H. F. Jolowicz, the late Regius Professor of Civil Law in the University of Oxford, states, “The influences which were at work in the development of the law during the principate were largely the same as those which had been active during the later republic.”¹⁴ He continues, “Already then Rome had come into touch with the older and more developed Hellenistic East; already her lawyers had taken some doctrines from Greek philosophy and her law had received many additions from Greek sources.”¹⁵ Jolowicz’s statements are vital to this thesis due to the mix of Latin, Greek, Roman legal and Greek philosophical ideas used to explain Roman obligation and its ethics. Likewise, in dating particular laws of obligation, essential to understanding it is the personal nature of Roman law. Andrew Riggsby, in *Roman Law and the Legal World of the Romans*, states this succinctly, “Roman law was not thought of as the law of a particular area, but law for Roman people, wherever they happened to be.”¹⁶ He adds that while most users of the law were not legal professionals, socially, law defined a “package of legal rights and obligations” that required applications and responses to “real world situations that might eventually arise.”¹⁷ Simply, legal and social obligation “governed the relations between persons and persons.”¹⁸

In this introductory chapter it is proposed to outline recent discussion emphasizing scholarly work done in clarification of three key issues required to assist in interpreting Romans 14:1-15:13. They are: (1) the *Sitz im Leben*, at the time of Paul’s writing the Epistle to the Romans; (2) the background of I Corinthians 8-11:1 in Paul’s thought bearing in mind

¹³ Crook, *Law and Life*, 7.

¹⁴ H. F. Jolowicz, *Historical Introduction to the Study of Roman Law* (Cambridge: Cambridge University Press, 1932), 419.

¹⁵ Jolowicz, *Historical Introduction*, 419.

¹⁶ Andrew M. Riggsby, *Roman Law and the Legal World of the Romans* (Cambridge: Cambridge University Press, 2010), 103.

¹⁷ Riggsby, *Roman Law*, 5, 23-28.

¹⁸ D. J. Ibbetson, *A Historical Introduction to the Law of Obligations* (Oxford: Oxford University Press, 1999), 6.

that he wrote Romans from Roman Corinth; (3) Paul's proposed method in Romans 15:1 for resolving the conflict between the strong and the weak; and (4) the method of study.

1. *Historical Setting: Sitz im Leben*

The search for the *Sitz im Leben* is critical to Romans 14:1-15:13. It requires the exploration of the general historical and cultural issues. Generally, New Testament studies have given low priority to certain aspects of Roman background. There is a dearth of general articles on the *Sitz im Leben* germane to this dissertation. Reasoner, in his widely influential monograph is an example of the tendency within scholarly circles to focus upon one narrowly focused question: Who were the strong and the weak?

In a monograph on the passage, Mark Reasoner, *The Strong and the Weak: Romans 14:1–15:13 in Context* provides a helpful summary of scholarship exploring who are the strong and the weak.¹⁹

i. *A Literary construct*

The first category that Reasoner mentions is that “the weak are a literary construct based on situation in Corinth.”²⁰ Robert J. Karris supports this view that Paul created a hypothetical situation in the letter to the Romans (14:1–15:13) based upon his dealings over the ritual observance of food laws and things sacrificed to idols in Corinth.²¹ Karris argues that there is no Roman *Sitz im Leben*, but rather an actual situation in Corinth which Paul wishes to avoid in the church at Rome. In this thesis I will endeavour to show that Karris is unconvincing considering the complex nature of the letter to the Romans with its subversive underpinning of Roman background and the detail in Romans 14:1–15:13, which implies Paul's prior knowledge of their actual circumstances. This knowledge was most likely delivered by

¹⁹ Mark Reasoner, *The Strong and the Weak: Romans 14:1-15:13 in Context* (Cambridge: Cambridge University Press, 1999), 1-23.

²⁰ Reasoner, *The Strong and the Weak*, 5.

²¹ Robert J. Karris, “The Occasion of Romans: A Response to Prof. Donfried,” in *The Romans Debate: Revised and Expanded* (ed. Karl P. Donfried; Peabody, Mass.: Hendrickson, 1991), 125-127. See also Donfried, “False Presuppositions in the Study of Romans,” 65-84, and “Two Roman Congregations: Romans 14:1-15:13,” 203-15.

Priscilla and Aquila, fellow tentmakers who were expelled from Rome by Claudius and migrated to Corinth where Paul visited with them (Acts 18:2). While questions arise about the authenticity of Romans 16, the names mentioned there produce data asserting the reality of people in actual circumstances.²²

ii. *Gentile Christians*

Second, the 'strong' are thought to be Gentile believers and the 'weak' are also Gentile believers motivated by pagan concerns.²³ Two possible pagan concerns are suggested. Schlatter wrote that abstaining from meat to eat vegetables is a human attempt at "self-sanctification,"²⁴ which aimed to bring the mind and body under control. According to Stanley Stowers, abstinence based on external food laws caused the Gentile Christians to refuse to eat meat offered in pagan ritual.²⁵ He epitomizes this position by viewing the divisions of the strong and of the weak as correlating to the mature and immature Gentiles in the church with the mature required to welcome the immature on the basis of the "principle of adaptability."²⁶ He places emphasis on behaviour as it related to pagan ritual observance, concluding "the strong and the weak (or mature or wise and so on) are not groups or parties or theological positions, as New Testament scholars have thought, but dispositions of character."²⁷ However, one must question such a conclusion given references to the importance of the social status of the strong and the weak in Romans 14:1-15:13 (Romans 14:1-2; 15:1) along with the numerous references to Jew-Gentile issues in Romans as a

²² Christopher Bryan, *A Preface to Romans* (Oxford: Oxford: University Press, 2000), 215-6.

²³ Reasoner, *The Strong and the Weak*, 16.

²⁴ Adolf Schlatter, *Romans: The Righteousness of God* (trans. by S. S. Schatzmann, Peabody, Mass.: Hendrickson, 1995), 253.

²⁵ Stanley K. Stowers, *A Rereading of Romans: Justice, Jews and Gentiles* (New Haven: Yale University Press, 1994), 319, 321.

²⁶ Stowers, *A Rereading of Romans*, 319, 321.

²⁷ Stowers, *A Rereading of Romans*, 320-21.

whole.²⁸ This thesis will seek to clarify the importance of social status in interpretation of the letter to the Romans.

iii. *Jewish and Gentile Christians*

Third, the “weak” are Jewish and Gentile believers.”²⁹ Wedderburn holds that both the Jewish laws and Roman pagan ritual laws on food and days of ceremony had been intermingled.³⁰ He comments, “...the Roman church was *originally strongly Judaizing in character*, and the form of Christianity which was originally established in that city was one which combined belief in Christ with adherence to the Jewish law.”³¹ Furthermore he highlights the influence of the Edict of Claudius in AD 49 with the expulsion of the Jews from Rome and its influence upon the meat market as a factor which Paul addresses in Romans 14:1-15:13, yet he is not fully convinced that the weak were Jews only because of his belief in Judaism’s influence on both Jews and Gentiles in the origin of Christianity in Rome.³²

Ziesler agrees with Wedderburn, but for different reasons.³³ He views the Roman situation as similar to that in Corinth, yet he views the focus as meat sacrificed to an idol in Romans 14 versus meat as an attachment to pagan cults as a primary difference.³⁴ He does see the “weak” in Romans as a “term imported from the Corinthian dispute.”³⁵ These two scholars intermingle both Jews and Gentiles in each of the strong and the weak categories. The strong were unconcerned about Jewish ritual observance and the weak very concerned about such observance.³⁶ One understands that the influence of the Claudian Edict was a

²⁸ Cf. Rom 1:4-5,16; 2:17-29; 3:9-20; 3:21-31; 4:1-25; 5:12-21; 9:1-33; 10:1-21; 11:1-10; 12:19-29; 13:9; 14:1-12; 15:1-13.

²⁹ Reasoner, *The Strong and the Weak*, 17.

³⁰ A. J. M. Wedderburn, *The Reasons for Romans* (Edinburgh: T & T Clark, 1980), 64.

³¹ Wedderburn, *The Reasons for Romans*, 64.

³² Wedderburn, *The Reasons for Romans*, 64-5.

³³ John Ziesler, *Paul's Letter to the Romans* (TPI New Testament Commentaries; London: SCM: 1989), 325-27.

³⁴ Ziesler, *Paul's Letter*, 325.

³⁵ Ziesler, *Paul's Letter*, 326.

³⁶ Ziesler, *Paul's Letter*, 326.

significant factor that contributed to the *Sitz im Leben* along with Judaism's influence as part of conflicts in early Christianity.

Barrett takes an agnostic position.³⁷ He cites the complexity of the Roman situation affirming the strong and the weak in their respective theological positions and their relative duties but concludes that "whatever their views were, and what were the origin and ground of their divergence, is obscure."³⁸ He understands the strong to be strong in the faith based upon their clear concept and practice of faith.³⁹ The "weak" refers to those who practise "numerous abstentions," which "attests to a failure to grasp the fundamental principle, which page after page of this epistle emphasizes, that men are reconciled to God not by vegetarianism, or teetotalism, but by faith alone ..."⁴⁰ Barrett's assertion of ritual observance appears reasonable in the context of Romans 14:1-15:13, but he falls short when Romans is exegeted in light of more definitive conclusions drawn from the wider Roman context. This thesis will explore Roman law as a key element in the wider Roman context.

iv. *Weak as non-believing Jews*

Reasoner's fourth category views the weak as non-believing Jews who are "practising Jews outside of the church."⁴¹ Mark Nanos is representative of scholars who takes this reading of Romans.⁴² He suggests critically that scholars often engage in retrojection, which he calls "Luther's trap,"⁴³ that is, the categorization of the strong and the weak on the basis of ritual observance while the strong and the weak both ignore the Biblical command not to judge (Romans 14:1). He further comments, "Luther recognized that Paul was clearly instructing the 'strong' not to judge the 'opinion or conviction' of the 'weak'; however, Luther tripped

³⁷ C. K. Barrett, *A Commentary on the Epistle to the Romans* (London: A & C Black, 1957), 255-61.

³⁸ Barrett, 256.

³⁹ Barrett, 256-57.

⁴⁰ Barrett, 256-57.

⁴¹ Reasoner, *The Strong and the Weak*, 19.

⁴² Mark Nanos, *The Mystery of Romans: The Jewish Context of Paul's Letter* (Minneapolis, Minn.: Fortress, 1996), 92.

⁴³ Nanos, *The Mystery of Romans*, 92.

into the very trap by judging them and then read this judgment as Paul's."⁴⁴ Nanos concludes, therefore, the 'strong' are Christians because of their faith in Jesus and the 'weak' are weak in faith because they do not believe in Jesus ("non-Christian Jews").⁴⁵ By approaching Romans from a Jewish context, he asserts that the 'strong,' in a sense, bear witness to the 'weak' about Jesus the Lord, Saviour, and Messiah of Israel.⁴⁶

v. *The Weak as Jewish Christians; The Strong are free*

Fifth, another emerges: the weak are Jewish believers; the strong are the ones who serve Christ free from any necessity of Jewish ritual observances. The weak are those who maintain a need for Christians to practise ritual Jewish observances. Most scholars recognise the question of the strong and the weak as a problem of identification. For example, Cranfield notes that the "division between the weak and the strong was also, to a large extent at any rate, a division between Jewish and Gentile Christians."⁴⁷ Drawing his conclusion, he places special emphasis on the cohesion of Romans 15:7-13 with the rest of Romans 14:1-15:6 along with Paul's use of "common" (κοινός, 4:14) and clean (also "pure," καθαρός, 14:21).⁴⁸

Dunn believes that the discussions at Rome over food laws and holy days "were two of the most sensitive issues which could confront this still essentially Jewish movement [Christianity] as it began to develop its own distinctive character and identity."⁴⁹ He addresses the importance of social relationships and the tension between those who viewed the Gospel as essentially Jewish ('the weak') and those who "shared Paul's understanding of

⁴⁴ Nanos, *The Mystery of Romans*, 92.

⁴⁵ Nanos, *The Mystery of Romans*, 154-55.

⁴⁶ Nanos, *The Mystery of Romans*, 154-7. Nanos believes that the strong Christians were to win the weak, non-Christian Jews "to faith in Jesus as the promised Christ" (p. 157).

⁴⁷ C. E. B. Cranfield, *A Critical and Exegetical Commentary on the Epistle to the Romans IX-XVI: ICC* (Edinburgh: T & T Clark, 1979), 2:695.

⁴⁸ Cranfield, 2:695.

⁴⁹ James D. G. Dunn, *Romans 9-16: WBC 38B* (Dallas: Word, 1988), 810.

a Gospel which transcended Jewish particularity ('the strong')."⁵⁰ Fitzmyer essentially agrees with Dunn for the same reasons (Romans 14:14, 21).⁵¹

Stuhlmacher believes the "Adherents of a free-Pauline and of a legal-ascetic perspective were opposing one another."⁵² He sees the tension between the 'strong' and the 'weak' as this: "how ritually thinking and living Jewish Christians could live together (and maintain table fellowship) with Gentile Christians who knew and observed no such regulations, a question which was still extremely pressing in Paul's day."⁵³ Moo views the influence of the Mosaic law as crucial in the discussion given "the problem of the relationship between Jew and Gentile, law and Gospel, OT and NT, that is basic to Romans."⁵⁴ Thomas Schreiner agrees adding, "the relationship between the Jews and the Gentiles in God's saving purposes has dominated the entire letter."⁵⁵ Schreiner cites the main issues as table fellowship and the tension between the "strong" Gentiles and the "weak" Jews, understanding that much of Romans 14:1–15:6 "centred on the relationship between Jewish and Gentile Christians."⁵⁶ Internal evidence in Romans 14:1–15:13 favours the strong and the weak as corresponding to Gentiles and Jews, respectively. Most scholars approach this issue of ethnicity in Romans in order to resolve the issue of the strong and the weak.

vi. *Social stratification*

Reasoner himself opens the door to another way to look at the strong and the weak. While he believes that the strong are Gentiles and the weak are Jews, he goes beyond mere ethnicity to the impact of distinctive social classes.⁵⁷ His 'classes' add a feature salient to the debate:

⁵⁰ Dunn, 795.

⁵¹ Joseph A. Fitzmyer, *Romans: A New Translation with Introduction and Commentary* (The Anchor Bible; New York: Doubleday, 1993), 687-88.

⁵² Peter Stuhlmacher, *Paul's Letter to the Romans: A Commentary* (trans. Scott Hafemann; Louisville: John Knox, 1994), 220.

⁵³ Stuhlmacher, 220.

⁵⁴ Douglas J. Moo, *The Epistle to the Romans* (Grand Rapids: Eerdmans, 1996), 832.

⁵⁵ Thomas R. Schreiner, *Romans: Baker Exegetical Commentary on the New Testament* (Grand Rapids: Baker Academic, 1998), 704.

⁵⁶ Schreiner, 708-9.

⁵⁷ Reasoner, *The Strong and the Weak*, 45-63.

“While the question of the ‘weak’ behaviour does appear to contain Jewish influences, the investigations generally do not give an account of the plethora of forces at work in the Empire’s capital that could give rise to ‘weak’ behaviour described in Romans.”⁵⁸ He discusses the believers’ “occasion,” i.e. the *Sitz im Leben* in the church, as conflict surrounding food laws and Sabbath days with another description of the strong and the weak.⁵⁹ He identifies the strong and the weak in the context of Roman social status.⁶⁰ He carefully isolates the ideology of Roman strength and social power by using such terms as *potens, inferiores, infirmus, auctoritas, and collegia*.⁶¹

Of special importance is Reasoner’s observation that the strong/weak terminology in the literary sources is “simply a reflection of the Roman social ideology that was preoccupied with one’s place within a social hierarchy.”⁶² He highlights the influence of Roman social status as an interpretative key to Romans 14:1–15:13, that is, “status” as it refers to “one’s place on the vertical axis of social power,”⁶³ concluding that “Paul’s use of comparable Greek terms in his letter to Romans is not done out of ignorance of their situation.”⁶⁴ Reasoner refers to the strong/weak terms which Paul uses to “fit the Roman tendency to define social hierarchies within various levels of early imperial society and differentiate positions in hierarchy on the basis of status.”⁶⁵ Élite Romans often displayed power publicly to validate their personal worth in the social strata.⁶⁶

While one is indebted to Reasoner’s poignant identification of the Roman *Sitz im Leben*, it will be argued that important cultural *mores* rest at the heart of Roman social relations that he has overlooked. These *mores* lie beyond mere ethnicity and social

⁵⁸ Reasoner, *The Strong and the Weak*, 22.

⁵⁹ Reasoner, *The Strong and the Weak*, 1-23; Schreiner, 703-10.

⁶⁰ Reasoner, *The Strong and the Weak*, 45.

⁶¹ Reasoner, *The Strong and the Weak*, 46-50, 63.

⁶² Reasoner, *The Strong and the Weak*, 55.

⁶³ Reasoner, *The Strong and the Weak*, 63.

⁶⁴ Reasoner, *The Strong and the Weak*, 63.

⁶⁵ Reasoner, *The Strong and the Weak*, 45.

⁶⁶ Reasoner, *The Strong and the Weak*, 48.

classification. He fails to give weight to these *mores* as the ‘precedent’ for resolution. Specifically, he has skimmed the surface of the Roman law of obligation in its cultural context as an intense social practice commanding fierce legal power.

The six categories of ‘the strong’ and ‘the weak’ also beg the question of the resolution between the two groups at Rome. This thesis will explore an interpretive key to resolution between the two groups. Were there, however, any precedents to the resolution between the two groups?

2. *The Precedent of I Corinthians 8–11:1 as an Interpretive Key?*

The background of I Corinthians 8–10 highlights another central issue upon which scholars focus when resolving the situation which gives rise to Romans 14:1–15:13. Reasoner observes that most see the importance of Paul’s ‘occasion’ in I Corinthians 8–10,⁶⁷ *i.e.*, Paul’s apostolic *paradosis* is seen as essential to the resolution of the problem reflected in Romans 14:1–15:13.⁶⁸

Scholars note the interpretive difficulties but all refer to I Corinthians 8–10 as a key to the interpretive challenge of Romans 14:1–15:13. Cranfield finds Romans 14:1–15:13 difficult to interpret because “it is extremely difficult to decide with certainty what the problem is with which Paul is concerned,”⁶⁹ but invokes the Corinthian discussion.⁷⁰ He rejects the idea that Romans 14:1–15:13 is about food offered to idols but notes “an impressive number of contacts”⁷¹ between Romans 14:1–15:13 and I Corinthians 8–10. Käsemann notes that in Romans 14:1–15:13, Paul’s “earlier experiences come to expression here.”⁷² Morris notes, “But he [Paul] was writing from Corinth where he would certainly be mindful of local

⁶⁷ Reasoner, *The Strong and the Weak*, 25.

⁶⁸ Reasoner, *The Strong and the Weak*, 25–44.

⁶⁹ Cranfield, 2:690.

⁷⁰ Cranfield, 2:690–2, 700.

⁷¹ Cranfield, 2:691.

⁷² Ernst Käsemann, *Commentary on Romans* (trans. and ed. Geoffrey Bromiley; Grand Rapids: Eerdmans, 1980), 364.

problems.”⁷³ He explains, “And the Corinthian dilemma shows us the kind of thing that could arise in the Roman world of the day.”⁷⁴

Dunn cites the issue of the ritual observance “of dietary traditions and special (feast) days,”⁷⁵ suggesting that each observance was “no slight or casual one.”⁷⁶ He views the issue as more than a discussion about diet and feast days, “though the restriction caused by such beliefs on wider social relationships did cause Paul concern elsewhere (I Cor. 10:23-30).”⁷⁷ Stuhlmacher argues, “The problem complex which we catch sight of in Romans 14 is therefore analogous to the situation in Galatia and Corinth.”⁷⁸ Schreiner states succinctly: “Significant contact between I Cor. 8–10 and Rom. 14–15 cannot be denied.”⁷⁹

Many scholars, upon examination of I Corinthians 8-10 and Romans 14:1–15:13, recognize that there are both similarities and differences between the situations in Corinth and in Rome. Reasoner discusses parallels and differences from I Corinthians 8–10 to Romans 14:1-15:13.⁸⁰ He evaluates numerous verbal pairs as scriptural parallels.⁸¹ Moo also outlines “the impressive number of verbal and conceptual parallels”⁸² in I Corinthians 8-10 and Romans 14:1-15:13. Karris’s essay, “Romans 14:1-15:13 and the Occasion of Romans” focuses upon the similarities in the two texts.⁸³ He locates fifteen parallels to accentuate his literary construct thesis, adding, “These parallels clearly indicate to what great extent Romans 14:1–15:13 repeats, rephrases, echoes the arguments of I Corinthians 8; 9; 10:23-11.”⁸⁴ His parallels demonstrate that Paul understood the dynamics of paganism and ritualism that influence culture. He makes the astute observation, “Upon closer inspection, however, it must

⁷³ Leon Morris, *The Epistle to the Romans* (Grand Rapids: Eerdmans, 1988), 479.

⁷⁴ Morris, 479.

⁷⁵ Dunn, 810.

⁷⁶ Dunn, 811.

⁷⁷ Dunn, 811.

⁷⁸ Stuhlmacher, 221.

⁷⁹ Schreiner, 705.

⁸⁰ Reasoner, *The Strong and the Weak*, 25-37.

⁸¹ Reasoner, *The Strong and the Weak*, 27.

⁸² Moo, 827.

⁸³ Karris, “Occasion,” 65-79.

⁸⁴ Karris, “Occasion,” 75.

be noted that the parallels between Rom 14:1–15:13 and I Cor 8–11:1 do not seem to account for all the elements within Rom. 14:13–23.”⁸⁵

The parallels highlight the need to summarize some of the differences between Romans 14:1–15:13 and I Corinthians 8–10. Three become apparent. (1) Paul’s appeal to conscience in the variety of situations in Corinth (I Corinthians 10:25–27). (2) Also, Paul’s use of ‘idols’ in I Corinthians 8:1 does not appear in Romans 14:1–15:13. (3) Paul makes no mention of ‘the strong’ in I Corinthians, but appeals to them in Romans (15:1). Reasoner mentions a fourth difference, that the verb προσλαμβάνομαι is not found in I Corinthians 8–11:1.⁸⁶ He says, “The key imperative in Rom 14:1–15:13 is formed from the word προσλαμβάνομαι.”⁸⁷ Cranfield agrees, calling προσλαμβάνεσθε (Rom 14:1) the “fundamental imperative of the passage.”⁸⁸ Käsemann comments, “προσλαμβάνομαι is the apostle’s constantly repeated answer to both sides of the problem.”⁸⁹ Does the context, however, demonstrate the apostle’s answer to resolve conflict between ‘the strong’ and ‘the weak’ given both Paul’s apparent priority for unified relationships and the underlying legal expectation for relationships in Roman social society?

Conduct guided by conscience plays a key role in Paul’s emphasis on relationships in Roman culture, especially in the letter to Romans as well as I Corinthians (I Cor 10:25–27). He, however, does not use the word ‘conscience’ in Romans 14–15. Paul bases his call for abstention from meat in a social setting of a dinner party in Corinth in deference to a person’s conscience, emphasizing the priority of relationship as it is grounded in the love of Christ (I Cor 10:25–27).⁹⁰ Winter clarifies the issue of conscience at Corinth by stating that the purchase and consumption of meat purchased from the meat market in Corinth were both,

⁸⁵ Karris, “Occasion,” 75.

⁸⁶ Reasoner, *The Strong and the Weak*, 32.

⁸⁷ Reasoner, *The Strong and the Weak*, 32.

⁸⁸ Cranfield, 2:695, 700.

⁸⁹ Käsemann, 366.

⁹⁰ Bruce W. Winter, *After Paul Left Corinth: The Influence of Secular Ethics and Social Change* (Grand Rapids: Eerdmans, 2001), 287–301.

separately, permissible, but consumption of meat offered in an idol's temple was inappropriate to eat.⁹¹ He says, "...when a companion at a private dinner drew attention to the fact that it [meat] had been offered to idols because he thought it was inappropriate for a Christian to eat it (I Cor 10:25-29a)."⁹² Continuing he states, "It was for the sake of conscience of the latter [the companion] who had kindly drawn attention to this fact, and not the conscience of the Christian, that Paul requires them to desist from eating."⁹³

Scholars generally overlook such a distinction. For example, Dunn cites the issue of clean and unclean when he draws the Corinthian discussion into Romans 14.⁹⁴ Morris mentions that "tolerance was important"⁹⁵ in the context of discussion about conscience in Corinth, but fails to mention I Corinthians 10:25-27. Schreiner indicates that the "'conscience' comes to the forefront in I Corinthians (I Cor 8:7, 10, 12; 10:25, 27-29), but it is not mentioned in Romans 14:1-15:13."⁹⁶ Cranfield only refers to I Corinthians 10:25-27 when comparing Corinthian and Roman contacts.⁹⁷ He cites the Corinthian discussion, while understanding the tension between 'the strong' and 'the weak' and similarities between Corinth and Rome, adding that the two churches in separate cities are dealing with issues unique to each local community, noting that idolatry, in his estimation, was not the problem at Rome.⁹⁸

However, in Romans, Paul, acknowledging freedom in Christ, maintains that meat is not the primary issue but rather the importance of relationships between a brother and sister in Christ (Rom 14:13-15). Paul's great theme of unity in love arises in Romans (Rom 14:15).

⁹¹ Winter, *After Paul*, 287-301.

⁹² Winter, *After Paul*, 300.

⁹³ Winter, *After Paul*, 300.

⁹⁴ Dunn, 825-26.

⁹⁵ Morris, 479.

⁹⁶ Schreiner, 707.

⁹⁷ Cranfield, 2:692-93.

⁹⁸ Cranfield, 2:692-93.

Conscience appeared to play a vital role in the social conduct of relationships in Corinth, but what played a vital role in conduct and relationships in the Epistle to the Romans?⁹⁹

It is suggested that I Corinthians 8–10 foreshadows this vital role by appealing to Paul's ethic of conduct not to please oneself in social settings (Rom 15:1–7). The situations at Corinth and at Rome had similarities but there were important differences that determined Christian responsibility and conduct. Paul addressed each situation according to its actual setting based on his understanding of the present historical context in each city and church respectively. Schreiner recognizes the differences in particular situations stating, "It is more satisfying to say that Romans 14–15 reworks some material found in I Corinthians 8–10 and applies it to a new situation."¹⁰⁰ If I Corinthians 8–10 is concerned with Christian witness in the wider community of Corinth and conscience determines conduct, what determined conduct in Rome where Paul focuses upon unity in the body of Christ (Rom. 14:1–15:13)? The parallels and differences demonstrate the fundamental key to interpreting Romans 14:1–15:13. Obligation, then, becomes the critical difference that distinguishes the Christian communities in Corinth and in Rome. It serves as the key to interpreting Romans 14:1–15:13.

3. Obligation as Paul's Key to Conflict Resolution

The most important question concerning Romans 14:1–15:13, is how Paul resolved the conflict between 'the strong' and 'the weak.' Cranfield concludes that "obligation (Romans 15:1) will be a test of the reality of their faith," hence he cites moral obligation as a necessary component of conflict resolution.¹⁰¹ Dunn agrees in principle with Cranfield, believing what was at stake was "nothing less than the whole self-understanding ...of Christianity itself,"¹⁰² signifying "Christ the exemplar" when conflict runs headlong into the Jewish diaspora in

⁹⁹ Fitzmyer, 687. He notes, "Although Paul, is, in effect, talking about conscience, he does not use that word here. Instead, the word is conviction (*pistis*)."

¹⁰⁰ Schreiner, 705.

¹⁰¹ Cranfield, 2:730. See n. 1 where he states, "Here clearly denotes moral obligation." Sven K. Soderlund and N. T. Wright, eds., *Romans and the People of God* (Grand Rapids: Eerdmans, 1999). They have no discussion on the Romans 15:1–13.

¹⁰² Dunn, 811.

places like Rome.¹⁰³ The Jewish and the Gentile understandings of what it means to serve as Christians require ‘the strong’ of the church to take up “responsibility.”¹⁰⁴ This involves a true sense of obligation which mandates Christ as the model in order to achieve resolution.¹⁰⁵ He represents modern scholarship when he suggests, in a brief comment, that Paul’s “must” or “ought” of obligation (ὀφείλω) only asks the strong to “bear with” the weaknesses of the weak.¹⁰⁶ He speaks of the “sense of obligation,”¹⁰⁷ whereby the model of Christ becomes central in ‘the strong’s mind and heart. He explains the obligation as flowing out of liberty that produces a “self-limitation” because of the love of neighbour (Rom. 14:15) and for the benefit of the congregation.¹⁰⁸

Moo,¹⁰⁹ Stuhlmacher,¹¹⁰ and Schreiner¹¹¹ agree with Cranfield and Dunn. Moo further declares Romans 14:1–15:13 is “A Plea for Unity,”¹¹² while acknowledging, “the strong who pride themselves on their ‘strength’ are obliged.”¹¹³ However, he, surprisingly, relegates ‘obligation’ to two separate footnotes.¹¹⁴ He speaks of an obligation incumbent on all Christians due to faith¹¹⁵ and to its root meaning as a term for financial debt.¹¹⁶

¹⁰³ Dunn, 835, 811.

¹⁰⁴ Dunn, 836.

¹⁰⁵ Dunn, 835.

¹⁰⁶ Dunn, 836.

¹⁰⁷ Dunn, 836-7.

¹⁰⁸ Dunn, 842.

¹⁰⁹ Moo, 826-7.

¹¹⁰ Stuhlmacher, 219-20.

¹¹¹ Schreiner, 707. He approaches the brink of discovery as he reviews “a call for mutual acceptance between the strong and the weak” by referring to the decree of Claudius in AD 49 and its surrounding social impact but then misses the point of Romans 14:1-15:13 when, in a footnote, he critiques Reasoner’s hint that Roman status and honour influencing the strong and the weak by stating, “but the evidence is insufficient to draw any definite conclusions on social status.”

¹¹² Moo, 826.

¹¹³ Moo, 866.

¹¹⁴ Moo, 866. See n.7 where he states that Paul uses an infinitive with ὀφείλω “to denote an obligation incumbent upon Christians by virtue of their faith.”

¹¹⁵ Moo, 866.

¹¹⁶ Moo, 812. See n. 7 where Moo notes obligation’s financial meaning extended to religious and moral obligations.

Meanwhile, Stuhlmacher's emphasis rests upon the Pauline *paraklesis*¹¹⁷ which encourages mutual acceptance on the basis of "self-denial in accordance with the model of Christ" which leads to a common obligation of tolerance from the strong to the weak.¹¹⁸

Schreiner, like Stuhlmacher, calls for mutual acceptance obligating the strong in faith to help the weak in faith.¹¹⁹ He comments, "The resolution of this division is crucial, for it relates to God's saving purposes."¹²⁰ Meanwhile, Stuhlmacher emphasizes the strong's "common obligation to tolerate and bear the weaknesses and limitations of the weak."¹²¹ He concludes that the strong are obligated to live in the church for its benefit and edification.¹²²

Morris¹²³ and Käsemann¹²⁴ both quickly press "obligation" as necessary for conflict resolution. Morris addresses the strong as having no choice in the matter in bearing the weaknesses of the weak,¹²⁵ and adds, "Here he is concerned that the strong take seriously their obligation to use their God-given strength in the service of the God who gave it and therefore in that of their weaker fellows (cf. Gal 6:2)."¹²⁶ Käsemann speaks simply of the strong's "special obligation."¹²⁷ Jewett produces a limited discussion on "the declaration of obligation," its social context, and his view of the reciprocal nature of obligation.¹²⁸

However, as will be argued in this thesis, many interpreters have not taken into account the fundamental legal role obligation played in determining conduct in Roman society. Reasoner rightly hints at the importance of Roman obligation as "Paul's solution to

¹¹⁷ Stuhlmacher, 219.

¹¹⁸ Stuhlmacher, 229-30.

¹¹⁹ Schreiner, 745.

¹²⁰ Schreiner, 745.

¹²¹ Stuhlmacher, 230.

¹²² Stuhlmacher, 230.

¹²³ Morris, 475-507. He observes, "It is best to accept the fact that we are ignorant of the precise situation and simply to consider what Paul says" (p. 475).

¹²⁴ Käsemann, 320.

¹²⁵ Morris, 496 n. 4.

¹²⁶ Morris, 496.

¹²⁷ Käsemann, 381.

¹²⁸ Robert Jewett, *Romans: A Commentary* (Hermeneia; Minneapolis: Fortress, 2006), 875-79.

the controversy”¹²⁹ in resolving the conflict at Rome between ‘the strong’ and ‘the weak.’¹³⁰ He acknowledges that a clearer understanding of these two groups requires an investigation into Roman social life¹³¹ and designations of social status.¹³²

Furthermore, Reasoner in his monograph indicates the need to answer two questions which he sees as critical to interpretation: (1) “How does Paul’s description of the ‘strong’ and the ‘weak’ and his response to them fit with the first century society?”; (2) “How does Paul’s description of and response to the ‘strong’ and ‘weak’ fit the rest of the Romans letter?”¹³³

Reasoner outlines Paul’s solution to the controversy in Chapter 10 entitled “Obligation: Paul’s Solution to the Controversy.”¹³⁴ He begins by mentioning the “enlightened strong” and the “superstitious weak” and how “Roman society was held together by cords of personal obligation.”¹³⁵ Reasoner divides Chapter 10 into two sections: (1) The background of obligation; and (2) obligation in Romans 14:1-15:13.¹³⁶ Under the first section Reasoner explains several key elements to the concept of obligation under three subheadings: (1) “Ethic: obligation as a moral issue;” (2) “Exchange: the continuing mutuality of obligation;” and (3) “Between persons: obligation as dynamic behind patronage.”¹³⁷ The first subheading addresses the ethic of obligation as related to four key virtues: knowledge of the truth, an organized society that requires the performance of certain duties, courage, and self-control or temperance.¹³⁸ Obligation is connected to virtue by discussing the concept of obligation as “duty” and by focusing upon the “reciprocity ethic” as

¹²⁹ Reasoner, *The Strong and the Weak*, 175.

¹³⁰ Reasoner, *The Strong and the Weak*, 188.

¹³¹ Reasoner, *The Strong and the Weak*, 22.

¹³² Reasoner, *The Strong and the Weak*, 45-63.

¹³³ Reasoner, *The Strong and the Weak*, 23.

¹³⁴ Reasoner, *The Strong and the Weak*, 175-199.

¹³⁵ Reasoner, *The Strong and the Weak*, 175.

¹³⁶ Reasoner, *The Strong and the Weak*, 176, 187.

¹³⁷ Reasoner, *The Strong and the Weak*, 176, 179, 181.

¹³⁸ Reasoner, *The Strong and the Weak*, 176.

“central to the notion of obligation.”¹³⁹ In Roman society an obligation often required a reciprocal duty such as the repayment of a debt paid in good faith.¹⁴⁰ The debt could be material but also included relational aspects such as obligations between friends.¹⁴¹ Vital to the concept of an obligation was the moral sense of fulfilling an obligation or duty and the reciprocal exchange. One aspect of the “morality of obligation” was the reciprocal ethic connected to the idea of benefits or “gift-giving” that required a reciprocal response such as a return of honour or gratitude to the giver of the gift.¹⁴²

The second subheading discusses the exchange of goods and services as a function of the “mutuality of obligation.”¹⁴³ On both sides of obligation, the giver of the gift and the receiver of the gift, each person was expected to perform duties to give relationships “lasting force.”¹⁴⁴ Primary to Reasoner’s discussion in this section was the concept of mutual obligations between parties where each party was conscious of obligations which “ensured that relationships continued.”¹⁴⁵

The third subheading discusses obligation as an important aspect of patronage. Reasoner skims key elements of patronage, but lightly approaches the important sense of social hierarchy as it relates to obligation. Reasoner recognizes the importance of patronage as an exchange between two parties, between patrons and clients, and between friends and the impact it might have had on the church in Rome.¹⁴⁶ One weakness of this section is the limited attention given to social hierarchy which appears to play an important role in social obligation as well as the conflict in the church in Rome.

Reasoner’s discussion in the first section of Chapter 10 of these key elements of

¹³⁹ Reasoner, *The Strong and the Weak*, 176.

¹⁴⁰ Reasoner, *The Strong and the Weak*, 177.

¹⁴¹ Reasoner, *The Strong and the Weak*, 177.

¹⁴² Reasoner, *The Strong and the Weak*, 176-7.

¹⁴³ Reasoner, *The Strong and the Weak*, 179.

¹⁴⁴ Reasoner, *The Strong and the Weak*, 181.

¹⁴⁵ Reasoner, *The Strong and the Weak*, 181.

¹⁴⁶ Reasoner, *The Strong and the Weak*, 184-6.

obligation is important, such issues as the ethics of reciprocity, benefits, duties, mutual obligation as an exchange of goods and services, and the dynamic personal obligations requiring the performance of an act based on the commonly understood concept of patronage.¹⁴⁷ In this first section he clearly highlights key social elements of obligation but misses the legal impact of obligation both in society and its implications for the church in Rome.

In Chapter 10, the second section, Reasoner addresses the biblical text of Romans 14:1-15:13. He divides the biblical text into three subheadings: (1) Romans 14:1-12; (2) Romans 14:13-15:6; (3) Romans 15:7-13.¹⁴⁸ In the Romans 14:1-15:13 introductory section he mentions that “Paul is making ample use of social force” by focusing upon such thoughts as the command to welcome members of the church and the social obligations that church members have to one another.¹⁴⁹ Of interest in this section is his comment in an introductory sentence in a paragraph that says, “While the concept of obligation has been applied to the NT in a variety of ways, its place in Romans has not been fully explained.”¹⁵⁰ Reasoner then discusses obligation briefly under three subheadings.¹⁵¹ He discusses Paul’s argument “to bring both groups closer to performing unfulfilled obligations necessary for communal harmony.”¹⁵² He further mentions the obligation of the strong to the weak as one aspect of their Christian responsibility and call to deny self in the spirit of self-sacrifice.¹⁵³ Reasoner also discusses Paul’s social ethics “based primarily on a divine-human relationship, rather than on a mere respect for one’s fellows.”¹⁵⁴ He concludes this chapter by highlighting two important issues related to Romans 14:1-15:13: (1) the importance of surrendering personal

¹⁴⁷ Reasoner, *The Strong and the Weak*, 176-186.

¹⁴⁸ Reasoner, *The Strong and the Weak*, 190, 191, 194.

¹⁴⁹ Reasoner, *The Strong and the Weak*, 187.

¹⁵⁰ Reasoner, *The Strong and the Weak*, 188.

¹⁵¹ Reasoner, *The Strong and the Weak*, 190-9.

¹⁵² Reasoner, *The Strong and the Weak*, 190.

¹⁵³ Reasoner, *The Strong and the Weak*, 191-3.

¹⁵⁴ Reasoner, *The Strong and the Weak*, 195.

rights in an effort to create church harmony; and (2) the emphasis on Paul's directions in Romans 14-15 that "would not work without the use of obligation throughout Roman society as a means of defining relationships."¹⁵⁵

In the biblical text of Romans 14-15 Reasoner sees obligation at work in three divisions: Romans 14:1-12; 14:13-15:6; and 15:7-13.¹⁵⁶ Romans 14:1-12 highlights two important obligations, according to Reasoner: (1) the obligation primarily to the weak (in most of this section) to stop judging the strong and a few references to the strong to do the same (Rom 14:1; 14:3; 14:10); and (2) an obligation of thanksgiving based on a sense of "calling" which places God as ruler and judge.¹⁵⁷ Obligation in this section implies personal accountability and the priority of communal harmony while emphasizing the "person's relationship before Christ's place as ruler of all and God's role as judge."¹⁵⁸

Reasoner notes that the next biblical section (Rom 14:13-15:6) is addressed mostly to the strong. The obligations to the strong here are both negative, do not offend the weak (Rom 14:13), and positive, bear the weaknesses of the weak (Rom 15:1).¹⁵⁹ He sees in this section the practical obligations to build up the church, to follow Christ's example, and to glorify God (Rom 15:6).¹⁶⁰ Reasoner sees both the duties, benefits and the "social values" at work in the relationships requiring obligations, but equally emphasises that the "believer is primarily under obligation to God, on the basis of divine benefits that God has shown in Christ (Rom 6:12-8:39)."¹⁶¹

Reasoner appraises the importance of the "vertical dimension" obligation, that is, that because Christ accepted each of them the members of the church are obligated to welcome

¹⁵⁵ Reasoner, *The Strong and the Weak*, 195, 198-9.

¹⁵⁶ Reasoner, *The Strong and the Weak*, 190-9.

¹⁵⁷ Reasoner, *The Strong and the Weak*, 190-1.

¹⁵⁸ Reasoner, *The Strong and the Weak*, 191.

¹⁵⁹ Reasoner, *The Strong and the Weak*, 191-2.

¹⁶⁰ Reasoner, *The Strong and the Weak*, 191-4.

¹⁶¹ Reasoner, *The Strong and the Weak*, 192-3.

each other.¹⁶² The vertical dimension requires obligations from both the strong and the weak in the form of instruction that runs against ‘the typical dynamic between those of ‘strong’ and ‘weak’ status in Rome.’¹⁶³ In essence, Reasoner offers that Paul’s instruction required obligation in such a way that he “superimposes the relationship of the believer to Christ onto the controversy” in the church, thus providing a legitimate, albeit unusual way to resolve the conflict in the church

Reasoner is accurate in addressing these foundational issues related to obligation. He has taken a step forward in linking obligation as a key to understanding and interpreting Romans 14-15. However, three advancements in the concept of obligation would have provided greater depth and understanding to its use in interpreting Romans 14-15. First, obligation possessed numerous and powerful implications as an underlying social force connected to its legal impact in Roman society.

Second, obligation finds its ultimate meaning in the roots of Roman law. As such, the concept of obligation interacts with the customs, social relationships, and the fabric of how Roman society functioned on a daily basis. This means that obligation as a cultural norm in Roman society is more complex and persistent than Reasoner suggests. This will be argued in the first half of the thesis in chapters 1-5.

Third, reading Romans carefully, it appears that Paul’s argument in Romans, beginning in verse 1:14, progressing through Romans 9-11, and climaxing in Romans 14-15, focuses upon a vital concept: obligation. In the second half of the thesis in chapters 5-8 will discuss and show how Paul is preparing his readers for a resolution of conflict through a reversal of obligations.

This thesis will seek to defend the view that Roman obligation serves as the critical tool of social convention in understanding Romans 14:1–15:13 and Paul’s resolution between

¹⁶² Reasoner, *The Strong and the Weak*, 194-5.

¹⁶³ Reasoner, *The Strong and the Weak*, 195.

‘the strong’ and ‘the weak.’ Hinting at the value of understanding Roman obligation in Roman society, as Reasoner does, highlights a gap in our understanding of Romans 14:1–15:13. He, in effect, knocks on the door of Roman obligation without opening it.

The ancient historian Ramsay MacMullen underscores the importance of the social relations by noting that Caesar’s crossing of the Rubicon was preceded by a firm calculation of the people, “social blocs and classes, sympathies and antipathies,” adding further that Caesar must know and reflect on the train of relationships that transmits his will to the masses. . . .¹⁶⁴ Caesar, as the leader of the Roman people, understood their social relationships. In a similar fashion, Paul, as a spiritual leader, understood the social structure of the Roman people.

It will be argued that Paul’s critical use of Roman obligation provides understanding of the Epistle to the Romans on the basis of social relationships. Analysing cultural and ethnic norms regarding food laws, Sabbath days, and evaluating who are ‘the strong’ and ‘the weak,’ as most commentators do, limits interpretation. While appraising social class distinction, Reasoner only hints at the deeper contextual social setting and the endemic social expectation in the first century for the interpretation of Romans 14:1–15:13.

4. *Modus Operandi*

This study focuses upon Paul’s use of ὁφείλω as a social concept rather than a word study. A cursory review of ὁφείλω and its derivative forms shows its use in both extra biblical and biblical sources.

Prior to Paul’s use of the word ὁφείλω at the time of his writing his letter to the Romans it had roots in Greek philosophy and law (see page 5). The ancient Greek author and poet Homer (7th or 8th century BC) in *The Iliad* speaks of the Epeians in the war against the

¹⁶⁴ Ramsay MacMullen, *Roman Social Relations 50 BC to AD 284* (New Haven: Yale University Press, 1974), 121.

Pylians as those who “owe (ὀφείλον) a debt,” a reference to some type of payment.”¹⁶⁵ The ancient Greek historian Herodotus (484-425 BC) in *Histories* has a dialogue between King Croesus and a man named Adrastus who indicates his obligation of service (“owing you as I do a requital of good service”).¹⁶⁶ The Greek philosopher Plato (429-347 BC) in *Laws* uses obligation in the sense of legal punishment, stating “if he be convicted (ὀφείλῃ) again on a like charge.”¹⁶⁷ The Greek philosopher Aristotle (384-322 BC) in *Nicomachean Ethics* uses obligation in the context of honour, friendship, and reciprocal duty (“a debtor ought to pay what he owes”).¹⁶⁸

The word ὀφείλω or one of its derivative forms is used rarely in the Greek Septuagint (LXX), but three examples are Deuteronomy 15:2, Ezekiel 18:7, and Isaiah 24:2. Each example used in the sense of a financial debt or obligation.

Two Jewish authors, Josephus (AD 37-100) and Philo (20 BC - AD 50), discuss obligation and use the word at or near Paul’s use of the word in his letter to the Romans. Two Roman authors, Dio Chrysostom (AD 40 -120) and Dionysius of Halicarnassus (60 BC – after 7 BC), both of whom wrote in Greek, discuss and use obligation. A detailed discussion can be found in Chapter 1 with an emphasis on the legal underpinnings of obligation. It will be suggested in Chapter 1 that the use of ὀφείλω and its derivative forms near the first century were impacted by Roman law both “as a reflection of Roman society” and with a clear emphasis on laws of obligation that defined “social relationships.”¹⁶⁹

In the New Testament ὀφείλω and its derivatives are used sparingly. The noun ὀφειλέτης and its derivative noun forms are used seven times: in Matthew 6:12 in the Lord’s prayer as an ethical reference to forgiving our debtors who wrong us; in Matthew 18:24 in the parable of the talents; in Luke 13:4, often translated “sinners,” speaking of the possible guilt

¹⁶⁵ Homer, *Iliad* 11.685.

¹⁶⁶ Herodotus, *Histories* 1.42.

¹⁶⁷ Plato, *Laws* 10.909a.

¹⁶⁸ Aristotle, *Nicomachean Ethics* 8.13-14; 8.14.4.

¹⁶⁹ Crook, *Law and Life*, 7, 13.

of the men on whom the tower of Siloam fell; in Romans 1:14, 8:12, and 15:27 as an obligation; and in Galatians 5:3 as an ethical obligation for Jews who keep the whole law.

The word ὀφειλή and its derivative forms are used three times: in Matthew 18:32 in the parable of the talents; in Romans 13:7 as an obligation to pay a tax; and in I Corinthians 7:3 where the husband and wife have duties in respect to each other. The word ὀφείλημα and its forms are used two times: in Matthew 6:12 asking Christians to forgive their debtors, those who have wronged them; and in Romans 4:4 of a reward or payment for work done or what is due.

The word ὀφείλω and its root stem verb forms are used thirty five times. The word is used thirteen times in the synoptic gospels, once in Acts (17:19), three times in Romans, seven times in I-II Corinthians, one time in Ephesians, two times in II Thessalonians, one time in Philemon, three times in Hebrews, and four times in I and III John. A random sampling of the use of ὀφείλω in the New Testament finds it used with respect to a binding Jewish oath (Matt 23:16, 18), as a term of a term of financial debt (Matt 28:18; Lu 16:5, 7; Philemon 18), as a word that incites an obligation(s) or duty (Lu 17:10; I Cor 5:10; 7:3; 11:7; Eph 5:28), and as a term indicating a moral or spiritual obligation (II Thessalonians 1:3; 2:13; I John 2:6; Rom 15:27).¹⁷⁰

Three examples of the use of ὀφείλ- and its derivative must be highlighted. First, John's use of ὀφείλει in John 19:7 is set in the context of Jewish ethical laws related to blasphemy from Leviticus 24:16. The law in Leviticus 24:16 states that a person who blasphemes the name of the Lord "shall surely be put to death." In this sense the idea of obligation makes the one who blasphemes liable to a penalty.

¹⁷⁰ E. A. Judge, "Appeal to Convention," in *The New Testament in Its First Century Setting* (ed. P. J. Williams, Andrew Clarke, Peter Head and David Instone-Brewer; Grand Rapids: Eerdmans, 2004), 186. Judge acknowledges the importance of social obligation in Paul's letters. He says, "The English auxiliary verbs (e.g. 'should,' 'ought,' and 'must') are regularly used to soften the direct imperatives that confront us with someone else's demand." He adds, "The Pauline letters...are strong on imperatives." Also, "Where they do use Greek auxiliary verbs (or nouns) of obligation there is typically an explicit argument to justify it."

Another example is found in I Corinthians 5:10 where ὀφείλετε is used. In verse 10 Paul is clarifying what he had said earlier, that is, that Christians should “not keep company with fornicators” (I Cor 5:9). He names three groups of people that Christians should avoid: the covetous, idolaters, and fornicators. Paul uses the word ὀφείλετε to acknowledge the impossibility of completely avoiding the previously mentioned three groups of people. Hypothetically, to completely avoid such groups of people would require or obligate Christians to not live in the world. Paul resolves the issue with a direct imperative from Jewish ethics found in Deuteronomy 17:7 and Deuteronomy 24:7, that is, “Put away from among yourselves the wicked person” (I Cor 5:13). Obligation in this sense as Paul uses it I Corinthians 5:10 is still used in the concept of duty, albeit a hypothetical one. It is also important to note the wider context of I Corinthians 5 includes Jewish thought, ethics, and ideas of judging (God judges those outside the church or synagogue; judgment for purity’s sake in the church or synagogue is permissible, thus, “put away the wicked one”).

A third example of importance is found in I Corinthians 9:10. Here Paul, after quoting Deuteronomy 25:4 in I Corinthians 9:9 about not muzzling the ox while he is treading the corn, uses the verb ὀφείλει in stating that the one who ploughs is under an obligation or a duty to plough in hope of partaking in the harvest. Paul quotes Moses (I Cor 9:9) and in the wider context acknowledges that the labourer for the Lord should expect and hope for sharing in the harvest of the gospel as well as make his living from the gospel (I Cor 9:1-14). The duty in I Corinthians 9:10 is an obligation to plough in hope to partake in the harvest of the gospel.

While each of the three examples mentioned above possess Jewish influences, the primary thrust of the uses of ὀφείλ- and one of its derivative forms favours a Greek understanding in the sense of an obligation. In each case, while Jewish influence is unavoidable in the context, each is written towards a mostly Gentile audience. In every

instance clear interpretation of the scripture passage and the uses of obligation mandates interpretation in light of contextual principle of setting the word in its wider cultural context.

Applying this contextual principle to Paul's letter to the Romans is the background of Roman culture which adds a unique set of criteria to the interpreting obligation. The Greek influence of obligation merges with the Roman influence of Roman law to give further depth to the meaning of obligation. Significant to Paul's letter to the Romans is the fact that he uses the root stem of ὀφείλ- as a key to his argument early in Romans (1:14) and near the end (Rom 15:1: 15:27), while using the derivative form of the word throughout (Rom 1:14; 4:4; 8:12; 13:8; 15:1; 15:27). Roman law in Paul's era will be discussed in Chapter 1 and its importance in Roman culture as a key to interpreting Romans 14-15. It will be suggested in this thesis that Paul appears to have the concept of obligation in mind in each major section in Romans: Romans 1-8; 9-11; 12-14; 15-16. Each of these sections, especially with Paul's sense of obligation and readiness to preach the gospel and his words that indicate social distinctions, the Jew and the Gentile, the Greek and the barbarian, the wise and the unwise, and the strong and the weak (Rom 1:14; 15:1), encourage further investigation into the cultural and legal implications of Roman obligation in the context of Paul's letter to the Romans.

The ancient historian E. A. Judge points out the dangers of New Testament scholars ignoring the cultural implications: "Modern students have thus created for themselves problems of New Testament acquiescence and inconsistency, through neglecting to identify the situation to which the New Testament writings were actually addressed."¹⁷¹ This thesis seeks to avoid this and explores the socio-historical implications of Roman law in an effort to identify the situation in Rome in the first century. An exploration of the social implications of

¹⁷¹ E. A. Judge, *Social Pattern*, 7.

Roman law in its social context will reflect society in Paul's letter to the Romans.¹⁷² As such, reviewing the social and historical implications of Roman law will give a clearer understanding of Romans 14:1-15:13.

Therefore, the aim of this thesis is to open the door to the world of Roman obligation and investigate it as the key to the interpretation of Romans 14:1-15:13 and the means to resolve church conflict. It will follow Professor Judge's admonition and seek to identify the situation and to explore Paul's use of the concept of obligation. It will discuss the full range of obligations in Roman social relationships, their complexity and importance by means of a socio-historical approach. It is suggested that this Roman background approach sheds new light on the passage to resolve the conflict between 'the strong' and 'the weak.' Without an understanding of first century 'obligation' one fails to grasp the power of Paul's command to the Romans, "We who are strong are obligated to bear the weaknesses of the weak."¹⁷³ Obligation supplied the critical ethical tool and model for Paul to resolve the conflict in Romans 14:1-15:13.

In order to demonstrate obligation as ethics as the powerful key to conflict resolution between the strong and the weak in Romans 14:1-15:13, the approach of the thesis involves researching the socio-historical aspects of Roman law and the thesis aims to discuss: Chapter 1, the legal basis of Rome's obligation society; Chapter 2, the cultural *mores* of Rome's obligation society; Chapter 3, the hierarchical pattern of Rome's obligation society; Chapter 4, conflict resolution in Rome's obligation society; Chapter 5, racial conflict in the Roman church; Chapter 6, Paul's *prolegomenon* to the resolution of racial polarization; Chapter 7, the new obligation for the church at Rome; and Chapter 8, the compelling obligation: *imitatio Christi*. A historical and sociological approach to Romans 14:1-15:13 will investigate Roman society as an obligation society and the thesis, divided into two sections: Part I, obligation in

¹⁷² Crook, *Law and Life*, 7.

¹⁷³ Rom 15:1.

Roman society and Part II, obligation in the Christian community at Rome, will demonstrate the importance of understanding the critical sociological and historical dynamic of the power of ὀφειλή as the key to conflict resolution in Romans 14:1-15:13.¹⁷⁴

¹⁷⁴E. A. Judge, *Rank and Status in the World of the Caesars and St. Paul* (Christchurch: Canterbury, 1968), 31. He says, "Sociological theory may have its explanatory uses, provided it survives the discipline of documented facts. But ancient history has no particular need to look to other epochs for fresh sources of understanding."

Chapter 1: Legal Basis of Rome's Obligation Society

Introduction

Roman society thrived as an obligation society. This chapter lays the foundation of legal obligation as a key concept for the daily traffic of relationships in Roman culture. James Jeffers notes, "Personal relationships were far more important to the functioning of ancient society than they are to the modern Western world."¹ In the Latin culture of the West, as well as in ancient eastern and modern cultures like China, one could not move in society without taking cognizance of one's obligations.² What made the obligations in Roman civilisation different from other ancient ones was that the Romans codified the laws of obligation in its jurisprudence.³ This codification generated the distinctive nature of Roman society which underlay every action. It aimed at clarifying the actions and social conduct of those persons living under the throughout the Roman empire. Conduct, therefore, was rooted in Roman societal relationships from the perspective of obligation. The purpose of this chapter is to establish the legal basis of Rome's obligation with an emphasis on relationships as crucial for conduct.

In order to demonstrate this legal basis this chapter will explain: (1) "obligation" as a technical, legal term embracing a wide range of applications; (2) the Roman law of obligation in general; (3) Obligations, and Roman Law in society; (4) Legal classifications and the law of obligations; (5) "Ought" and Romans 15:1; and (6) First-century literature, word usage,

¹ James S. Jeffers, *The Greco-Roman World of the New Testament* (Downers Grove, Ill.: InterVarsity Press, 1999), 192.

² See Confucius, *The Analects of Confucius* (trans. and annotated by Arthur Waley; London: Unwin Hyman, 1988). Richard P. Saller also draws this comparison in greater detail in *Personal Patronage under the Early Empire* (Cambridge: Cambridge University Press, 1982), 111-16.

³ Reasoner, *The Strong and the Weak*, 175-99. He discusses obligation but does not connect the important legal aspect to the social dynamic of Roman culture and to social relationships as an important component of Roman obligation. He sees obligation "as a means of defining relationships," but does not explore the legal aspects (p. 199)

and legal underpinnings; and (7) The dating of Roman law in light of the letter to the Romans.

1. *Obligation in General*

The key to understanding Roman social relationships is reflected in the term obligation (ὀφειλή). In the *Oxford Latin Dictionary* the word *obligatio* means “the pledging or guaranteeing (of something);” “the state of being legally, etc., liable in some respect, the creation of such a state, a legal or financial obligation.”⁴ Zimmermann, in his important work *The Law of Obligations: Roman Foundations of the Civilian Tradition*, indicates the term typically means “that something or somebody is bound.”⁵ The person or thing which is bound formed a relationship that was cemented.⁶ However, it was not a one-way response but rather a two-way relationship whereby both of the bound parties understood their own and each other’s rights, duties, and obligations.⁷ According to Sir Henry Maine, the two-way relationship of obligation “signals rights as well as duties, the right for example, to have a debt paid as well as paying it;” while also being perceived by the Romans as a “legal chain” which was equally important from either end of that chain.⁸ Zimmermann shows there were emotional aspects of the legal chain of obligation by speaking of the “formal transactions of the ancient Roman law [of obligations].”⁹ He says that obligation “gave rise to an intensely personal relationship.”¹⁰ This intense personal relationship created a vibrant, energetic and, sometimes, vengeful bond in a code of conduct.

⁴ “*Obligatio*,” *Oxford Latin Dictionary* (ed. P. G. Glare; Oxford: Clarendon Press, 1976), 1214.

⁵ Reinhard Zimmermann, *The Law of Obligations: Roman Foundations of the Civilian Tradition* (Oxford: Oxford University Press, 1996), 1.

⁶ Ramsay MacMullen, *Roman Social Relations: 50 B.C. To A.D. 284* (New Haven: Yale University Press, 1974), 65. He indicates that “the cement of their [Romans] daily financial relationships was people...”

⁷ Zimmermann, *Law of Obligations*, 5.

⁸ Henry Maine, *Ancient Law: The Connection with the Early History of Society and its Relation to Modern Ideas* (London: John Murray, 1894), 324.

⁹ Zimmermann, *Law of Obligations*, 5.

¹⁰ Zimmermann, *Law of Obligations*, 5.

The language that best describes this code of conduct which governed the intensely personal relationships in Roman society is the “ethic of reciprocity”¹¹ Every person in the Roman world possessed rights and duties based on their individual rank and status. These factors combined to create complex relationships which in turn gave rise to reciprocal rights, duties, and responsibilities. Status and rank created a distinct Roman hierarchical social scale (see chapter 4).

Obligation(s) fit into Roman society by virtue of its legal definition. As such, it was understood by those who lived in the ancient world as a part of the landscape, whose communication, business, and conduct of its citizens and those with alien status were under the *imperium*. Crook indicates that Roman law reflects Roman society as he places “Roman law in its social context.”¹² Furthermore, he argues doing this can “strengthen the bridge between two spheres of discourse about ancient Rome by using the institutions of the law to enlarge understanding of the society and bringing the evidence of the social and economic facts to bear on the rule of the law.”¹³ Johnston questions cause and effect with the tautological issue of methodology concerning law and society, that is, “whether it is law which influences patterns of social or economic behaviour or it that is shaped by them.”¹⁴ He sees an element of truth in both possibilities.

This thesis, therefore, works on the basis of the influence of Roman law on both the culture and the social patterns that determined conduct in the world under the Roman empire during the first century. It is suggested here that if the social patterns and the influence of law

¹¹ Saller, *Personal Patronage*, 19. Reasoner, *The Strong and the Weak*, 176. He mentions that the “reciprocity ethic” is “central to the notion of obligation.”

¹² Crook, *Law and Life*, 7.

¹² Crook, *Law and Life*, 7.

¹³ David Johnston, *Roman Law in Social Context* (Cambridge: Cambridge University Press, 1999), 27.

were weighed in first-century Rome, the greatest weight of influence would tilt toward law as a determining factor for social practice and social control.

There is, however, a tendency in classical lexicography to limit the understanding of Roman obligation merely to a term of debt, just as biblical commentators limit their understanding of key terms in interpretation by focusing only on lexicographical entries borrowed largely from the Greek classical dictionary.

Chadwick in his significant work, *Lexicography Graeca: Contributions to the Lexicography of Ancient Greek*, identifies this as one of the “defects” of lexicography, asserting that improved “treatments of a few words would lead me to propose new interpretations of many passages.”¹⁵ Romans 15:1 serves as an example as to how lexicons miss the strategic impact of obligation in antiquity and give word meanings, which by reason of the size and also the methodology of lexicography, often minimize the social context and the recognized *mores*, which are vital links to solid exegesis.

Liddell and Scott list the primary definition of ὀφείλω as “to be indebted,” “to owe,” or “to be bound to.”¹⁶ A cursory reading of the lexicon might lead one to believe that obligation is simply a means to pay back a loan or a necessary part of financial responsibility where debtors repay creditors and creditors thank the debtor for repaying the amount of money borrowed. This is a narrow comprehension when the social impact is explored through the complexity of the Roman law of obligations and the tangled web of social relationships reflected in it. Obligation was “power” in the ancient world as well as “virtue” (ἀρετή), a virtue of civic goodness not to be underestimated in the structures of power and in

¹⁵ John Chadwick, *Lexicographica Graeca: Contributions to the Lexicography of Ancient Greek* (Oxford: Clarendon Press, 1996), v, 1-30. He speaks of the Liddell and Scott Lexicon, “It is time to stop worshipping this ancient monument and to replace it with more modern structures” (v).

¹⁶ Henry George Liddell and Robert Scott, *A Greek-English Lexicon*, 9th rev. ed.; (Oxford: Clarendon Press, 1996), 1277.

the quest for self-understanding toward one's position in society. Obligation demanded that everyone know his or her place in society; notwithstanding, Roman law made obvious the signs and symbols as to where a person stood in society. This bond held society together, an "invisible rope" influencing social practice, control and conflict resolution.¹⁷ Zimmermann details the legal understanding of this rope in Rome among both the jurists and the lay persons:

The very word *obligatio* always reminded the Roman lawyer of the fact that, in former times, the person who was to be liable, that is, over whose body the creditor acquired a pledge-like power of seizure, was physically laid in bonds; and, even though this piece of symbolism was soon abandoned and the idea came to prevail that the debtor could be legally bound even if his body was not physically put into chains, the concept of obligation, in the minds of laymen as well as lawyers, seems to have retained the connotation of some sort of invisible rope around the neck of the debtor, tying the specific debtor to a particular creditor.¹⁸

The "invisible rope" or legal chain mandated relationships of reciprocal exchange between two parties, and oftentimes more than two parties. While the physical chains were to disappear, the concept of obligation as a legal social chain was strongly embedded in the psyche and code of conduct for those living under the Roman empire. It was a concept not to be misjudged, underestimated, nor ignored.

Obligation had its roots in the Roman household code,¹⁹ but there was another area that can be described by the term "patronage."²⁰ Thus, obligations between parties connected persons in relationships. Children were obligated to their fathers. Other members of a household also had obligations, such as a wife to her husband. Other obligations included those of a client (*cliens*) to a patron (*patronus*); slaves to their masters; freedmen to patron owners; soldiers to their military commanders; citizens to the emperor.

¹⁷ Zimmermann, *Law of Obligations*, 5.

¹⁸ Zimmermann, *Law of Obligations*, 5.

¹⁹ Peter Garnsey and Richard Saller, *The Roman Empire: Economy, Society and Culture* (Berkeley, Calif.: University of California Press, 1987), 126-47.

To the reader in Western society, the social strata appear to complicate any contemporary understanding of obligatory relationships. However, for those living under the Roman empire the social strata and its obligatory impact clarified conduct within their relationships. Because of this, those of the lower classes or of a lower status obligated themselves to the higher, the poor obligated themselves to the rich, and the weak obligated to the strong. Clearly, a society of obligation empowered the strong and obligated the weak in compelling invisible ropes of intensely personal relationships. Understanding how Roman society functioned was vital to social interplay in politics, business, and daily life. This webbed stratification and its social impact as a means of security for conduct, where the weak obligated themselves to the strong, proved to be a powerful resource engineering Roman society.²¹

A person could not move in society or act in a relationship without first thinking of his or her obligations. Borkowski in his *Textbook on Roman Law* suggests that this motivation produced a binding action “in a natural consequence of the agreement between the two parties.”²² In chapter four these and other relationships will be discussed in greater detail. It is suggested here that one must broaden the concept of “obligation” in Roman society from mere debt to an intimately powerful concept binding all relationships between people.

2. Obligations and Roman Law in Society

Obligation in Roman society embraced persons of that society in a wide range of relationships. The “invisible rope” was at work in daily life in Rome, under the *imperium*, in the forum, in the marketplace, in the transaction of business, and in the household.

²⁰ Andrew Wallace-Hadrill, “Patronage in Roman Society: from Republic to Empire,” in *Patronage in Ancient Roman Society* (ed. Andrew Wallace-Hadrill; London: Routledge, 1989), 63-87.

²¹ Garnsey and Saller, *The Roman Empire*, 107-25.

²² Andrew Borkowski, *Textbook on Roman Law* (London: Blackstone Press, 1994), 241.

Understanding this “invisible rope” requires an investigation into Roman law and its relationships as a means of conducting daily Roman relational exchanges.

Roman law is best understood in the first century as an unwritten code. Roman law necessitates focusing on “code.” The word, by its etymology, implies conduct, especially in a given realm among a particular people within a jurisdiction of territory in relationship with another party or parties at a given moment in time. Sohm delineates Roman law as the law of the city of Rome that advanced and progressed.²³ He says, “The characteristics of early Roman law, as we find it, or suppose to have existed are formalism and rigidity.”²⁴ These words stand as a starting point, but Roman law became less formal and reduced in its rigidity, or more difficult to classify, as time passed. Sohm also expressed the subordination that Roman law represented, saying, “All law exists in order that people may live and be strong, and the power of the law over the individual is rooted in that subordination of the individual life to the common life which is demanded by morality.”²⁵ He further asserts that law “preserves the power of the people” and that “law and morality are bound together by strong ties,” a “binding” feature of law.²⁶

Maine clarifies how law is related to a specific time and place, arguing that “every law [flows] into a *command* of the lawgiver, an *obligation* imposed thereby on the citizen, and a *sanction* threatened in the event of disobedience; and it is further predicated on the *command*, which is the first element in a law, that it must prescribe, not a single act, but a series or number of acts of the same class or kind.”²⁷ He goes on to depict ancient law as “in

²³ Rudolph Sohm, *The Institutes: A Text-Book of the History and System of Roman Private Law* (trans. by James C. Ledlie; 2nd edition; Oxford: Clarendon Press, 1901), 50.

²⁴ Sohm, *The Institutes*, 50.

²⁵ Sohm, *The Institutes*, 25.

²⁶ Sohm, *The Institutes*, 24.

²⁷ Maine, *Ancient Law*, 7.

the air...scarcely reaching the footing of custom; it is rather a habit.”²⁸ In the first century Roman law was a series of acts in relationship that Romans undoubtedly understood and practised in their code of conduct. Simply put, Roman law for Roman citizens became custom and a habit. To borrow Maine’s words, it was “in the air,” an integral part of the commerce, conversation, politics, breath and life of society. Johnston allays the “remarkable penetration of Roman legal culture wide throughout the empire.”²⁹

Where, then, did Roman law find its expression in Roman life? Watson argues that it did this in a dispute between the patricians and the plebeians in the fifth century BC.³⁰ Defending their rights to life and property, the plebeians detested patrician exploitation and demanded equality with a right to comprehend the law.³¹ Mitchell suggests that a “struggle between the orders,” as it is often described, took shape in the throes of the weaker plebeians’ quest for equality in the culture dominated by the stronger patricians.³² In a maze of circumstances the plebeians were able to form a tribune and the Roman jurists produced *The Twelve Tables*.³³ Robinson reports them as “the foundation of Roman law, the legal attitude of Rome.”³⁴

Cicero discusses legal privilege (*lex virtutis*) and the rules, adding, “You know what fellows, for we learned the Law of the Twelve Tables in our boyhood as a required formula; though no one learns it nowadays.”³⁵ More will be said about Cicero later in this chapter.

Earlier Livy had referenced the *Twelve Tables* as “the fountain-head of all public and private

²⁷ Maine, *Ancient Law*, 8.

²⁹ Johnston, *Roman Law in Context*, 11.

³⁰ Alan Watson, *The Spirit of Roman Law* (Athens, Geo.: University of Georgia Press, 1995), 1.

³¹ Watson, *Spirit of Roman Law*, 1.

³² Richard E. Mitchell, *The Patricians and Plebeians: The Origin of the Roman State* (London: Cornell University Press, 1990), 11-30.

³³ Mitchell, *Patricians and Plebeians*, 11-30.

³⁴ O. F. Robinson, *The Sources of Roman Law: Problems and Methods for Ancient Historians* (London: Routledge, 1997), 2.

³⁵ Cicero, *The Laws* 2.23.58-9.

law.”³⁶ He alludes to the struggle of the orders, “The plebs, besides the fact that they hated the name of consul quite as much as that of the king...”³⁷ Watson portrays the formulation of *The Twelve Tables* as privileged political manoeuvring which required superb political skill.³⁸ From the plebeian’s perspective, Maine, while commenting that social necessities and opinions precede law and that law affords harmony, is pointed when he says of Roman law, “Equity is universally obscure.”³⁹ Indispensably, in Roman life, the need to resolve conflict arose.

A brief pause in this discussion is necessary before continuing to examine the foundation for Roman law in the first century. Until the time of Augustus the interpretation of law fell into the hands of the powerful Roman senate with its power of making decisions, advising the praetor, and developing the law with its popular statute through the *constitutiones*.⁴⁰ Augustus inaugurated change, although with some resistance, giving priority to *princeps* and providing legal innovations which changed the way law and conduct were generated.⁴¹ Augustus in his reign reduced the powers and independence of the governors, and essentially, the senate, as he monopolized power as the *imperator*.⁴² This single adjustment motivated law and conduct in Roman society. To support this reformative shift in policy, Borkowski notes the chief role of the Roman army in expansion and social control.⁴³ He adds a salient point not to be overlooked in Roman conquest and law, “If the [Emperor]

³⁶ Livy, *Roman History* 3.34.6; Robinson, *The Sources of Roman Law*, 2.

³⁷ Livy, *Roman History*, 3.34.8.

³⁸ Alan Watson, *The State, Law and Religion: Pagan Rome* (Athens, Geo.: University of Georgia Press, 1992), 14-21; Robinson, *Sources of Roman Law*, 2.

³⁹ Maine, *Ancient Law*, 24-25.

⁴⁰ Sohm, *Institutes*, 111.

⁴¹ Saller, *Social Status and Legal Privilege*, 92-93.

⁴² Garnsey and Saller, *The Roman Empire*, 34-35.

⁴³ Borkowski, *Textbook*, 14-15. He states, “Every Emperor needed the unswerving support of the army” (p. 14).

neglected interest in the army, or failed to reward it properly, or showed himself incompetent as commander-in-chief, he was unlikely to reign for long.”⁴⁴

Two clear but separate persuasive sources worked in concert to determine Roman law as it moved into the first century: *ius* and praetor/edict.⁴⁵ *Ius* was an “old, unwritten, undeclared law.”⁴⁶ Associated with *ius* was the compelling concept of *ius honorarium*, a built-in system of intuitive Roman legal counsel framed so by the “expert counsel of the jurists.”⁴⁷ Roman honour in law created obligations and reciprocal response, while favouring those of the higher orders (see Chapter 3). Crook says, “What they (the Romans) did was to build up alongside that primitive system (of law) more flexible institutions, enabling the law of the Republic to keep pace with its economic and social development and its increasing contact with foreign peoples.”⁴⁸ The Romans did this in the later Republic and during the principate. Roman law in the first century was often oral in nature, flexible and adaptable.

Praetor and edict served as a second persuasive source of Roman law. Johnston, says, “The most formal source of Roman private law was the edict of the urban praetor, an office created in 367 BC which in the hierarchy ranked second only to the consuls.”⁴⁹ Augustus seized upon these two important factors in his legal innovations during his reign: praetor and hierarchy. Finley makes reference to the praetor in the context of words about Roman ideology with its “self-perpetuating elite and its annual turnover at the highest level” and when he speaks of an operative “principle of inequality, of hierarchy”⁵⁰ (see Chapter 4). According to Crook, edicts were “pronouncements of an officer of the people to the people

⁴⁴ Borkowski, *Textbook*, 14.

⁴⁵ Johnston, *Roman Law in Context*, 2-3.

⁴⁶ Johnston, *Roman Law in Context*, 2.

⁴⁷ Garnsey, *Social Status and Legal Privilege*, 184.

⁴⁸ Crook, *Law and Life*, 24.

⁴⁹ Johnston, *Roman Law*, 3.

⁵⁰ M. I. Finley, *Politics in the Ancient World* (Cambridge: Cambridge University Press, 1983), 140. Riggsby, *Roman Law*, 77. He says, “The Roman legal system...created a variety of inequalities.”

(or to some particular set of them), saying what he requires to be done - not only about the law but anything.”⁵¹ Augustus used the edict as he narrowly drew powers toward himself during his reign. Praetorian law integrated tightly with Roman hierarchy and its command of duties.⁵² In Augustan Rome an unwritten code of law ruled the day.

3. *Legal Classifications and the Law of Obligations*

Did Rome have a specific law of obligations in the shadow of honour? The challenge of understanding Rome as an obligation society and the consequential law of obligations for the first century arose because the unwritten code of law dominated the culture. No clear definable tablet spells out the law of obligations in written form. Schultz addresses this, “First and foremost we have to emphasize that the classical lawyers never attempted to define *obligatio*,” a genuine classical definition did not exist, and definitions were not forthcoming until the classical era of Roman written codes.⁵³ However, the law of obligations operated as a means of transaction, contract, and binding response for the parties involved.⁵⁴ Rome’s two goals of government were “the maintenance of law and order, and the collection of taxes.”⁵⁵ The law of obligations helped achieve these two goals. Finley rightly observes “that obedience to the authorities became so deeply embedded in the psyche of the ordinary Roman citizen that it carried over into his explicitly political behaviour.”⁵⁶ Obligations were an embedded aspect of that behaviour both politically and socially. How, then, can this unwritten code and *psyche*-laden awareness be described?

⁵¹ Crook, *Law and Life*, 20.

⁵² Crook, *Law and Life*, 22-23.

⁵³ Fritz Schultz, *Classical Roman Law* (Oxford: Clarendon Press, 1951), 455.

⁵⁴ Zimmermann, *Law of Obligations*, 1-8.

⁵⁵ Garnsey and Saller, *The Roman Empire*, 20.

⁵⁶ Finley, *Politics*, 130.

Cicero describes the law of Rome, in all of its divisions and intricacies “like limbs of the body.”⁵⁷ Admittedly, Crook notes that “some of the limbs were awkward and difficult.”⁵⁸ Under Augustus’ new imperial order obligation took on a different face: He was the head (the strong head, at that) as the chief patron of society. The elite with their circle of the honoured ones were the heart, muscle and organs that pumped society. The arms, legs, and hands were the lower class of society, utterly dependent upon the main body. The law of obligations was the blood that made it all flow in one unified, cohesive, functioning relational unit.⁵⁹ Augustus as the head (patron) is a reminder of family law and the *paterfamilias*, a momentous concept which underlies all that occurs in the law of obligations.⁶⁰ The application of the law itself appears in numerous sources and circumstances in the literature of antiquity, thus reinforcing the law of obligations as an assumed tool of social convention and response.⁶¹

What were the basic components of legal obligations as Romans grasped them in social practice? The basics were: informal and formal laws; transactions in agreement and consequences of a failed agreement; persons, property and actions; and, debt, civil law, and *praetor* (each concept closely connected to the dynamic Roman concept of honour).⁶² As these components are discussed, the aspects of the social linking of class and status, “social

⁵⁷ Cicero, *Topics* 28. Crook, *Law and Life*, 19. Cicero’s statement is an excellent way to view Roman law in the first century. Cicero’s comments flow with the language of the law of obligations: “...when the thing has been set up for definition is divided into its members as it were: for instance if one should define the civil law as made up of statutes, decrees of the Senate, judicial decisions, opinions of those learned in the law, edicts of magistrates, custom, and equity. Definition by analysis includes all species that come under the *genus* which is being defined as follows: *Abalienatio* (transfer of property according to the forms of civil law) of a thing which is *mancipi* is either transfer with a legal obligation (*mancipatio*) or cession of law between those who can do this in accordance with the civil law.”

⁵⁸ Crook, *Law and Life*, 19.

⁵⁹ Garnsey and Saller, *The Roman Empire*, 20-21, 149, stress this critical point with two important ideas: (1) Augustus sought to demonstrate “his own sufficiency in it through the traditional roles of patronage and beneficence.” (2) “Meanwhile, the operation of patronage rather than the application of formal procedures and rules determined the admission and promotion of administrators...”

⁶⁰ Garnsey and Saller, *The Roman Empire*, 127-130.

⁶¹ Cicero, *On Duties* 1.160.

compact”⁶³ and the legal resolve between parties that encouraged social cohesion can be observed. A clear understanding of these laws and their application provides a basis for comprehending obligations as a means of social relations and conflict resolution.

According to Nicolas, three determinations in Roman law were instrumental in the law of obligations. They revealed something as the person (*persona*) or the thing (*res*) or the action.⁶⁴ The law of persons indicates “persons” (*personae*), “as those capable of rights or duties;” “things” (*res*) are the rights and duties themselves; and “actions” are “the remedies by which rights and duties are enforced.”⁶⁵ Nicholas states, “To put it another way, every rule of law has three aspects: the person affected, the subject matter concerned, and the remedies.”⁶⁶ He discusses persons under different sub-headings: citizens and non-citizens; the Roman family *patria potestas*; and the position of slaves, in law and in fact, while also touching on other subjects such as *paterfamilias*, marriage, guardianship, and *obsequium*, a debt of respect owed to a patron.⁶⁷ *Obsequium* is sometimes used as a synonym for *obligatio* and intimated “incidental legal consequences” while maintaining “a reciprocal duty of support.”⁶⁸ The language of obligation involves the legal discussions of classical Roman law when it involves persons.

The law of things (*res*) constitutes another aspect of Roman law. Nicholas’s explanation gives important insight into the Roman psyche of obligation:

Res, like ‘thing,’ is an elusive word, and the Roman lawyers, as is their habit, leave its meaning to emerge from its use. In its simplest sense it denotes merely a physical object - a table, a house, a piece of land-but for lawyers there are also abstract things, things, which only exist in the mind’s eye, such as a debt, a right of way, and many others...A man’s assets are either property or obligations. The difference between the

⁶² Borkowski, *Textbook*, 240-301.

⁶³ Maine, *Ancient Law*, 345.

⁶⁴ Barry Nicholas, *An Introduction to Roman Law* (Oxford: Clarendon Press, 1962), 60.

⁶⁵ Nicholas, *Introduction*, 60.

⁶⁶ Nicholas, *Introduction*, 60.

⁶⁷ Nicholas, *Introduction*, 64-97.

⁶⁸ Nicholas, *Introduction*, 75.

two is the difference between owning and being owned. Thus a man's assets may be his house and his furniture, which he owns, his bank balance, which, however one may speak of having money in the bank, is a debt owned by the bank, and his right to his unpaid salary, which is likewise a debt. His assets will often, of course, be more complicated than this, but they will fall into one of these two categories. For example, if he is a shopkeeper he will own, we may suppose, his shop and stock-in-trade; he may have ordered, but not received, further supplies from a wholesaler, and these will, from the Roman point of view, be still owned by wholesalers but will be owed to him (if he has not yet paid for them he correspondingly owes the price); he will have supplied goods on credit to his customers, and here again there is obviously a debt. He may have acquired the goodwill of the business of a former competitor, and this constitutes once more a debt - the debtor's duty being not, as in the previous cases, to pay a sum of money or to supply goods, but to refrain from soliciting his former customers.⁶⁹

Suddenly the "invisible rope"⁷⁰ of Roman law arises in social relations and conditions, with tangible actions and obligations, as in the legal evidence of property, or in the invisible but recognized obligation, such as who has the right to walk through a right of way or who has the right to walk first through that right of way in an intersection. The complexity of Roman obligations(s) appears endless. The tangled web of relationships could get highly emotional and tensely perplexing.

Obligations and duties were understood from status in Roman society (see chapter 4) and through contracts. Obligations were incurred "mainly by contracts made by parties, or through delicts committed by one against the other."⁷¹ Borkowski observes,

The concept that an obligation can arise from a contract can readily be appreciated, a natural consequence of the agreement between two parties. That a delict, essentially a unilateral act, can create an obligation is perhaps less obvious, but is understandable; a wrongful and damaging act should incur a duty to compensate the victim in a civilised legal system. ...An obligation had twofold consequences: a duty arose on the part of the person incurring the obligation; and there was a corresponding right in the other person to enforce that duty by legal action, which would normally result (in the developed law) in an award of damages.⁷²

⁶⁹ Nicholas, *Introduction*, 99.

⁷⁰ Zimmermann, *Law of Obligations*, 5.

⁷¹ Borkowski, *Textbook*, 241.

⁷² Borkowski, *Textbook*, 242.

Maine sees contracts as a chain only undone by *solutio*, saying, “The Romans kept, in fact, the entire picture of the ‘legal chain’ before their eyes, and regarded one end of it no more and no less than the other.”⁷³ He also explains the restless intricacies of contractual obligation when he says that “the neglect of a mere technical formality was as fatal to the obligation as misunderstanding or deceit.”⁷⁴ In reality, though, obligation became an asset and created a bond of personal relationship between persons and their obligations in a contract.⁷⁵

Contracts in themselves produce both liability which is precisely determined and that which “is not precisely determined nor accurately defined and which is (at the outset at least) indefinable.”⁷⁶ Sohm distinguishes between the two, strict *iuris negotia*, a contract “binding parties to exact performance of what they promised, and “good faith negotiations,” “which bind parties to perform, not what they actually promised, but rather whatever can be fairly and reasonably required in each particular case, which may be either more, or less, than what was promised.”⁷⁷ In each case, the parties involved must maintain due diligence, which conveys a binding obligation to “behave in the way any careful man would behave under the circumstances.”⁷⁸ Zimmermann marks this vagueness in Roman law, “The progression from concrete to the more abstract and general would appear to accord best with the way the Roman lawyers developed their law of contractual obligations.”⁷⁹ In the social construct of Roman society the application of strict and good faith contracts surfaces in potential extremes: literal, harsh enforcement on the one hand, or submission which responds to the

⁷³ Maine, *Ancient Law*, 324.

⁷⁴ Maine, *Ancient Law*, 308.

⁷⁵ Borkowski, *Textbook*, 242.

⁷⁶ Sohm, *Institutes*, 388.

⁷⁷ Sohm, *Institutes*, 388.

⁷⁸ Sohm, *Institutes*, 388.

⁷⁹ Zimmermann, *Law of Obligations*, 32.

moods, whims, politics, attitudes, or power of a given moment. Law was left much to the subjective interpretation in a given set of circumstances and could change suddenly.⁸⁰

Contracts were later classified as either verbal (*verbis*), literal (*litteris*), real (*re*), or consensual (*consensu*). Commonly understood in law, *verbis* involved formal words; *litteris* required a contract in written, documentary form; *re* comprised a contract where property, as it was understood by the Romans, was transferred; and *consensu* (aligned with *societas*, see chapter 3) maintained a contract which involves parties for sale and hire.⁸¹ The verbal contract was the most ancient of the four.⁸² This is important to note for purposes of this thesis because of the oral nature of obligations and the endemic nature of Roman society where face, status, and relationships were intertwined with the social patterns.

The discussion of these types of contracts is informative,⁸³ but most important for the first century is the *verbis* contract and its companion, stipulation. The Roman concept of stipulation⁸⁴ is foundational in social relations, or, as Zimmermann refers to it, "...stipulation, prototype of a contract *verbis* and [the] cornerstone of the Roman contractual system."⁸⁵ Watson describes stipulation as "oral, in question and answer form, and the verb used in the reply had to be the same used in the question."⁸⁶ Cicero illustrates this in a speech, "In the case of a solemn contract, he who does not perform an obligation which he has taken upon himself by pronouncing a single word, is promptly condemned without any scruple on the

⁸⁰ Cicero, *On Duties* 1.33. He says that when laws "...moral duty..varies with varying circumstances" (3.32).

⁸¹ Schultz, *Classical Roman Law*, 468-69; Sohm, *Institutes*, 391; Johnston, *Roman Law in Context*, 77-78.

⁸² Maine, *Ancient Law*, 326; Sohm, *Institutes*, 391.

⁸³ See Schultz's works *Principles of Roman Law* and *Classical Roman Law*.

⁸⁴ Cf. Fritz Schultz, *Principles of Roman Law* (trans. Marguerite Wolff; Oxford: Clarendon Press, 1936), 35. He cites this as the law of *stipulatio* with a parenthetical note: "alternative obligation, impossibility of performance."

⁸⁵ Zimmermann, *Law of Obligations*, 32. He also calls it "by far the most important contract" (p. 68).

⁸⁶ Alan Watson, *The Law of Obligations in the Later Republic* (Oxford: Clarendon Press, 1965), 1.

part of the judge.”⁸⁷ The formula for stipulation engaged a verbal correspondence of question and answer. Johnston says,

Stipulatio...was concluded by question and answer, which had to be in formal terms and had to correspond to one another. The promisee (or *stipulator*) would ask, for example, ‘Do you promise to pay 1,000 sesterces?’, and the promisor must reply, ‘I promise to pay 1,000 sesterces.’ The exact correspondence between question and answer created an obligation binding on the promisor; but, if the two did not correspond exactly, no obligation came into being.⁸⁸

Johnston further adds, “*Stipulatio* could therefore be used to give legal force to any agreement of any kind.”⁸⁹ Obviously, for this kind of obligatory exchange to take place the parties had to meet face-to-face. “This presented no problem at a time when Rome was still essentially a medium-sized country town and when the range of commercial activities of its inhabitants was fairly limited.”⁹⁰ Watson discusses a whole series of laws of obligations that might flow out of these face-to-face encounters.⁹¹ This fact in Roman society made contracts accessible and relationships paramount.

More essential to the concept of a contract was a Roman *mos* known as *fides*. Cicero refers to *fides* as foundational to contracts in the Roman legal system, “The foundation of justice, moreover, is good faith (*fides*)-that is, truth and fidelity to promises and agreements.”⁹² In an oral culture, the Romans were unconcerned with evidence in legal matters because *fides* supplied “sufficient security for the purely oral promise.”⁹³ Cicero highlights this *mos* in the context of contracts:

But in taking an oath it is our duty to consider not what one may have to fear in case of violation but wherein its obligation (*debet*) lies: an oath is an assurance backed by religious sanctity; and a solemn promise (*promiseris*) given as before God as one’s

⁸⁷ Cicero, *On Behalf of Caecina* 3.7. The words indicate, “I pledge myself!”

⁸⁸ Johnston, *Roman Law in Context*, 77-8.

⁸⁹ Johnston, *Roman Law in Context*, 77-8.

⁹⁰ Zimmermann, *Law of Obligations*, 70.

⁹¹ Watson, *The Law of Obligations in the Later Roman Republic*, 1-9.

⁹² Cicero, *On Duties* 1.7.23.

⁹³ Zimmermann, *Law of Obligations*, 70.

witness, is to be sacredly kept. For the question no longer concerns the wrath of the gods (for there is no such thing) but the obligations of justice and good faith (*fides*).⁹⁴

Fides was a critical *mos* to the structure and relationship of obligations in Roman society (see Chapter 3). *Fides* is an example of the conscious familiarity Romans possessed when it came to law, contracts, social exchanges, and social responses due to respect whether in family, politics, or business.

The oath-like promise⁹⁵ exchange (*stipulatio*) and its accompanying *mores fides* found meaning in an ancient Roman sacral religious ritual known as σπένδω, “to present a drink offering.”⁹⁶ This word is important because a response to stipulation could come with only one word, *spondeo*, which means, “I give.”⁹⁷ “The speaking of the required words creates a bond and serves notice on the parties that they are engaged in something serious...”⁹⁸ While *spondere* as a Roman ritual custom of rite faded in the later Republic, it attached itself to the legal matter of Roman obligation as a means of binding parties in an oral agreement.

The orality of this *stipulatio*, although, generally, the promise was clear, does not mean that differences of opinion, debate, disagreements, or disputes did not occur. Zimmermann’s caution here suffices, “Verbosity begets obscurity, and obscurity gives rise to disputes.”⁹⁹ The question-answer format supposedly reduced such an opportunity for a dispute.

In discussing the law of persons (*personae*) and the law of things (*res*) one cannot dismiss the law of actions (*actiones*), a third instrument in the trilogy of Roman contracts.

⁹⁴ Cicero, *On Duties* 3.29.104.

⁹⁵ Zimmermann, *Law of Obligations*, 72. He alludes to the fact that “promise,” or *promittere*, “meant literally, to stretch forward” (one’s hand), but that by the later Republic it “remained the simple and oral formality.”

⁹⁶ Zimmermann, *Law of Obligations*, 71. Also used in 2 Tim 4:6; Phil 2:17.

⁹⁷ Watson, *State, Law and Religion*, 42.

⁹⁸ Watson, *Law of Obligations in the Later Republic*, 32.

⁹⁹ Zimmermann, *Law of Obligations*, 68.

Zimmermann references actions as the “how” in the law, examining the right of performance from another party as “basically what obligations were all about.”¹⁰⁰ Cicero communicates *actio* as an action vital to maintaining the practical side of business and the unity (*societas*) that proceeds from it.¹⁰¹

The law related to *actio* is expansive. Actions were imbued with things, persons, contracts, and an expected circular chain of agreement and response. The circular chain included both parties because the actions included actions of promise, but also actions promised in case of non-fulfilment of obligations.¹⁰² The non-fulfilment of obligations could produce a wide array and an open display of disputes and verbal exchanges. It would not be unusual to see such an outburst at home, in the forum, or in the marketplace. The duty of Roman society meant that “every lawful agreement begets an action” and the Romans did act, in highly animated fashion.¹⁰³

4. “Ought” and Romans 15:1

Obligation (“ought”), duty, *officium*, or *obsequium*, as relational obligations engendered in a Roman society, created what Maine names as “social compact” in a contract.¹⁰⁴ He contends that “social compact” in the New Testament period grew out of Roman despotic influence.

He says,

Long before this theory [about contracts] had clothed itself in definite shape, the phraseology of Roman contract-law had been largely drawn upon to describe that reciprocity of rights and duties which men had always conceived as existing between sovereign and subjects. While the world was full of maxims setting forth with utmost positiveness the claims of kings to implicit obedience-maxims which pretended to

¹⁰⁰ Zimmermann, *Law of Obligations*, 28.

¹⁰¹ Cicero, *On Duties* 1.5.17. He includes this in a discussion of Roman virtues, “Before the three remaining virtues, on the other hand, is set the task of providing and maintaining those things on which the practical business of life depends, so that the relations of man to man in human society may be conserved, and that largeness and nobility of soul may be revealed not only in one’s increasing resources and acquiring advantages for one’s self and one’s family but far more in rising superior to these things.”

¹⁰² Zimmermann, *Law of Obligations*, 114.

¹⁰³ Zimmermann, *Law of Obligations*, 546.

¹⁰⁴ Maine, *Ancient Law*, 309, 345.

have their origin in the New Testament, but which were really derived from indelible recollections of the Caesarian despotism-the consciousness of correlative rights possessed by the governed would have been entirely without the means of expression if the Roman law of obligation had not supplied a language capable of shadowing forth an idea which was yet imperfectly developed.¹⁰⁵

Maine's concept of "shadowing" supplies language for the apostle Paul in Romans 15:1, yet with one critical difference: Paul did not desire to create a Christian society in despotic style with inequality, competition, and impervious strength-weakness classification; Paul aimed, under the Gospel, to create a different model where equality, servitude, and the strong did not dominate their weaker peers. The Roman legal language which Paul apparently uses finds its main source in Roman contract law.

"Ought" or obligation finds surface meaning in the commentaries in the concept of debt.¹⁰⁶ Rome did not have banks, *per se*, as commonly understood in modern culture, but rather understood banking primarily in terms of private relationships.¹⁰⁷ Andreau defines banking and business as "all operations involving money on its own, independent of trade which consists of transactions involving merchandise."¹⁰⁸ There were no money bills, but only minted coins which served as monetary instruments, which, in turn, became a source of buying and selling as well as a source of loan by moneylenders.¹⁰⁹ Andreau says that money "also reinforced not only social relations but also an intuitive awareness of the cohesion of the community, symbolized by the political authority of minted money."¹¹⁰

The amount of money possessed by a person accentuated social divisions and inequalities, while becoming a tool which the élite and wealthy would use for personal and

¹⁰⁵ Maine, *Ancient Law*, 345.

¹⁰⁶ Cranfield, 2:730; Dunn, 811. "Ought" in English does no justice to the full meaning of "ought" in first-century Rome.

¹⁰⁷ Jean Andreau, *Banking and Business in the Roman World* (trans. by Janet Lloyd; Cambridge: Cambridge University Press, 1999), 1-29.

¹⁰⁸ Andreau, *Banking and Business*, 1.

¹⁰⁹ Andreau, *Banking and Business*, 1-5.

¹¹⁰ Andreau, *Banking and Business*, 2.

political gain, often with the elite lending money to another individual for loan (*mutuum*).¹¹¹ The élite and wealthy can be placed in two categories: (1) the senators and *equites* high on the hierarchical ladder and (2) the professional moneylenders, often “small-scale entrepreneurs, defined by the name of their trade and did not belong to the privileged orders.”¹¹² Loans were still, typically, in the hands of the élite and, land being the primary source of wealth,¹¹³ in the hands of the wealthy.¹¹⁴ The complexity of a loan among social groups meant that money was viewed differently. For example Andreau asserts that the “élite saw money in relation to their patrimony” or lineage.¹¹⁵ The result of any loan was debt, creating “debt-bondage.”¹¹⁶ Finley cautions against a mere use of the word “debt” only in terms of money, “A very broad general word is required, no less all-embracing term than the word ‘debt’: power over a person took various specific forms, as did the obligations which were so often the occasion for its coming into play.”¹¹⁷ Obligations, in essence, cemented the loan.

The loan, legally, represented a type of contract. Stipulations were agreed upon and a relationship between a creditor and debtor was established.¹¹⁸ Loans made with interest required stipulations, although Crook speaks of the “gratuitousness of *mutuum*,” because there was an attitude of “the hatred of the usurers” in Roman society.”¹¹⁹ Zimmermann refers

¹¹¹ Andreau, *Banking and Business*, 1-9.

¹¹² Andreau, *Banking and Business*, 4; Finley, *Ancient Economy*, 56.

¹¹³ Saller, *Patriarchy, Property and Death*, 102-132, 161-80.

¹¹⁴ Finley, *Ancient Economy*, 56.

¹¹⁵ Andreau, *Banking and Business*, 4. Andreau discusses money in “The Financial Activities of the Elite” (p. 9).

¹¹⁶ M. I. Finley, *Economy and Society in Ancient Greece* (London: Chatto & Windus, 1981), 153.

¹¹⁷ Finley, *Economy and Society*, 153. Finley’s discusses “debt-bondage” under the heading “Debt-bondage and Slavery.” His clarification of debt from Greek society is important because of its influence in Roman society. He adds in the context of the Roman system of *legis actiones* (laws of action), “The harshness of the laws of debt is a well known and ubiquitous fact of early and archaic societies, in particular when debtor and creditor came from different social classes” (p. 152).

¹¹⁸ Zimmermann, *Law of Obligations*, 154-6.

¹¹⁹ Crook, *Law and Life*, 211.

to a loan at interest as “a reciprocal contract.”¹²⁰ Gratuitous loans without interest were common because money was loaned “to gain political influence, to generate loyalty (*fides*) or to create a situation of dependence” as well as between friends and in the context of *paterfamilias* with its indigenous Roman moral duties and obligations.¹²¹ Zimmermann discusses obligations and loans where there were also loans to sons in power, loans involved in overseas trade, and loans to sportsmen for training, equipment and other necessary items for preparation for a competition.¹²² In many cases of *mutuum*, stipulations became “a convenient way to make certain incidental provisions binding, for instance, those relating to the time of repayment or the place of performance.”¹²³ Money served as only one aspect of debt, the relationships, moving both vertically and horizontally on the social scale, and obligations flowing from a loan served as the means to complete the chain of the law of obligation.

Another kind of loan owing to obligations was *commodatum*. This was the loan of something, for example, a spade for the garden, a slave for a task, or property on “loan for use, without payment” [in monetary terms].¹²⁴ It was also a gratuitous loan beginning when an object was handed over and requiring an obligation to restore it as it was received.¹²⁵ Land could be the object of *commodatum*, but the lender and borrower both had articulate conditions and obligations which would be enforceable.¹²⁶ If the object was not duly returned under the conditions of the loan, then the lender could set forth legal actions (*actiones*)

¹²⁰ Zimmermann, *Law of Obligations*, 165.

¹²¹ Zimmermann, *Law of Obligations*, 155. Cf. n. 13, Zimmermann notes, “The average Roman *paterfamilias* did not go to a professional moneylender (*fenerator*) but turned to his *amici* when he was in need of capital.”

¹²² Zimmermann, *Law of Obligations*, 177-87.

¹²³ Zimmermann, *Law of Obligations*, 155.

¹²⁴ Crook, *Law and Life*, 210.

¹²⁵ Zimmermann, *The Law of Obligations*, 188-9.

¹²⁶ Borkowski, *Textbook on Roman Law*, 285. Borkowski’s discussion of *commodatum* includes the role of such themes as *potestas*, *paterfamilias*, and *diligentia*. A borrower should be diligent to care for an object and return it as such just as if it were his own or his father’s. See also *Oxyrhynchus Papyri* (trans. Bernard Grenfell and

which, in turn, allowed the borrower to set forth legal actions creating a mad circle of legal proceedings as well as also inciting more deliberations about each one's obligations. The cycle of obligation in any contract could be endless, all the more demonstrating a motivational reason for obligations to be fulfilled. Crook refers to *commodatum* as the kind of loan which "belonged to the 'mutual-help' sphere of social ideas."¹²⁷ In Roman law and society mutuality is not an obscurity, but rather a necessity, with obligations enforcing a society of mutuality, although the concept of "mutuality" was not always in gratuitous terms. Rome was a mutual obligation society, often coerced and forced.

Obligations, in general, in Roman society streamed through a channel of power from lower to higher, the weaker members of society obligating themselves to the stronger members. A contract set off a chain of binding obligations for both parties.¹²⁸

5. *Literature Near the First Century, Word Usage, and Legal Underpinnings*

The legal basis of Rome's obligation society, the social relationships, and the bonds of obligation understood in the oral nature of Roman culture find expression in the literature of the first century. Cicero wrote about duties and "the faithful discharge of obligations" assumed during the late Republic of Rome.¹²⁹ Cicero refers to the commonly understood terms of obligation: social ties, mutual obligation, and due "moral obligation" to country and parents, in which he calls the two obligations the services which "have laid us under the heaviest obligation;"¹³⁰ and even the obligation of war or pay-back under which he cites honour as a motivation in the Twelve Tables.¹³¹ Cicero knew that the structure of Roman society eroded when people in Roman society ignored obligation as a practical social

Arthur Hunt; vol. 1; Oxford: Horace Hart, 1898), 61:10: 68:7, 25; 70:5; 98:10;101:25;103:15; 104:20. The references are to "binding contracts" of contract, loans, land leases, and wills.

¹²⁷ Crook, *Law and Life*, 210.

¹²⁸ Riggsby, *Roman Law*, 212-134. See his comments on "binding promise" (122).

¹²⁹ Cicero, *On Duties* 1.4.15

¹³⁰ Cicero, *On Duties* 1.15.49.

construct. Cicero has no love for such people: "Such people contend in essence that they are bound to their fellow citizens by no mutual obligations, social ties, or common interests. This attitude demolishes the whole structure of civil society."¹³² Cicero speaks pointedly of obligation and its legal implications for daily social relationships.

Another Latin author, Seneca the Younger (4 BC to AD 65), used the terminology of obligation when discussing the Roman virtue and benefits.¹³³ Seneca notes the importance of gratitude, goodwill in the realm of the Roman good man, and debt (*debitum*) in reference to duty, noting, "our feeling about every obligation depends in each case upon the spirit in which the benefit is conferred; we weigh not the bulk of the gift, but the quality of the good will which prompted it."¹³⁴ He notes the nature of obligation when he refers to "two sides of the ledger," a direct reference to obligations required of both parties in an exchange of benefits.¹³⁵ Seneca also notes the emotional pressures and often difficult interpretation of obligation in relationships when he mentions "to feel an obligation," meaning that a person's obligations go beyond mere legal duty to moral and social duties not to be refused.¹³⁶ Seneca conveys obligation in the domain of benefits (see Chapter 3).

Two Roman authors, both of whom wrote in Greek, lived in Rome and knew the Roman world of antiquity, Dio Chrysostom, a Greek philosopher and historian, (AD 40-120) and Dionysius of Halicarnassus, a Greek historian, (60 BC-after 7 BC), write about obligation in their respective works. Dio Chrysostom discusses benefits while discoursing on the subject of an ideal king as the father (πατήρ) or patron of his people.¹³⁷ The king

¹³¹ Cicero, *On Duties* 1.12.37.

¹³² Cicero, *On Duties* 3.28.

¹³³ Seneca, *Epistles* 81.1.

¹³⁴ Seneca, *Epistles* 81.6.

¹³⁵ Seneca, *Epistles* 81.6.

¹³⁶ Seneca, *Epistles*, 81.26.

¹³⁷ Dio Chrysostom, *Discourses* 1.22.

possesses voluntary benefits as well as “other functions of royalty he holds as obligatory.”¹³⁸

Dio’s use of “obligatory” entails Roman law as a basis for kingship when he uses the word *νενόμικεν*.¹³⁹ Dio also discusses benefaction where men of virtue “grant to men of excellent character what is their due,” thus requiring Roman men to honour those greater than them by fulfilling obligations.¹⁴⁰

Dio Chrysostom reveals a hierarchy of deposed honours and the obligations or debt which can be incurred from person to person as well as from city to city.¹⁴¹ While discussing obligations in a boundary dispute, Dio implies a hierarchy: that one is superior to the other, and that the superior are those who do not “court a quarrel.”¹⁴² The legal realm of Roman law understood strength and weakness as categories, clearly defined in a system of honour and benefaction. As with benefaction, Dio alludes to the debts of a citizen, the debts of one person to another, and benefaction’s elementary role in conduct: “Moreover, I have conducted myself in such a way that, while I have, as I think, repaid the people in full to the best of my ability as citizen, yet to you I am still indebted, and I could never outdo your benevolence toward me.”¹⁴³ Conduct as a Roman ethic of social response and competition to outdo others fuelled the fires of Rome’s obligation society. An obligation could last for a moment, for days, for a lifetime, or even after death.

Dio also notes the importance of obligation in relation to loyalties and friendship,¹⁴⁴ but also the envy which loyalty, friendship, and unfulfilled obligations might incite.¹⁴⁵ The

¹³⁸ Dio Chrysostom, *Discourses* 1.23

¹³⁹ Dio Chrysostom, *Discourses* 1.23.

¹⁴⁰ Dio Chrysostom, *Discourses* 31.28; 68; 78. For example, he discusses obligations between the cities of Rome and Rhodes, and says, “God has everywhere appointed the superior to rule over the inferior” (3.62).

¹⁴¹ Dio Chrysostom, *Discourses* 4.44.

¹⁴² Dio Chrysostom, *Discourses* 34.43

¹⁴³ Dio Chrysostom, *Discourses* 50.5.

¹⁴⁴ Dio Chrysostom, *Discourses* 34.25; 4.43. Friendship is “likemindedness.”

¹⁴⁵ Dio Chrysostom, *Discourses* 4.106-15.

intensity of obligation for good and bad from both its legal, social, and personal aspects cannot go unnoticed.

While most obligations relate to relationships, there is still the commonly understood use of obligation in the sense of a debt owed in the form of a loan, that is, to “repay this obligation, as well as earlier debts.”¹⁴⁶ In the complexity of the tangled web of obligation, though, even debt might incur a favour which spins off other obligations:

But since the question before us concerns my not proving false toward my native land and not defrauding you the promise I made under no compulsion, a promise by no means easy to make good and involving no small outlay of money, this I conceive to be a difficult matter and one calling for much serious cogitation. For there is nothing more weighty, no debt bearing higher interest, than a favour promised. Moreover, this is shameful and bitter kind of loan, when, as one might say, because of tardy payment the favour turns into an obligation, an obligation the settlement of which those who keep silent demand altogether more sternly than those who cry aloud. For nothing has the power to remind those who owe you such obligations as your having utterly forgotten them.¹⁴⁷

Dio’s discussion describes the legal basis of obligation which intertwines a complex personal response that the Romans understood.

The historian Dionysius of Halicarnassus also discusses an obligation to the gods.¹⁴⁸ Dionysius tells how Remus fell into the enemy’s hands in Roman history and how obligation required Numitor to punish Remus for the harm he had done.¹⁴⁹ The context lays obligation in the realm of Numitor’s obligatory power over Remus, while requiring Remus to respond accordingly to that power.¹⁵⁰ Dionysius’s discussion of the war between the Romans and Latins is rich with the legal language of Roman obligation: friendship; justice; debt; revenge of an enemy; loyalty; military obligation; piety; benefits; obligations to the commonwealth

¹⁴⁶ Dio Chrysostom, *Discourses* 47.21; 54.10.

¹⁴⁷ Dio Chrysostom, *Discourses* 40.3.

¹⁴⁸ Dionysius of Halicarnassus, *Roman Antiquities* 1.24.1.

¹⁴⁹ Dionysius of Halicarnassus, *Roman Antiquities* 1.81.3.

¹⁵⁰ Dionysius of Halicarnassus, *Roman Antiquities* 1.81-82.

(πόλις), honour, and obligations to fathers.¹⁵¹ Dionysius's speech from the dictator Aulus Postumius to his soldiers calls for bravery and not cowardice, an obligation to serve Rome and die with honour.¹⁵² Obligation in the Roman psyche, ultimately, found care and security deriving from an obligation to fathers and forefathers.¹⁵³ All citizens and children were ultimately obligated to cherish and protect Rome from an obligatory duty to fathers, both Roman and familial.

Dionysius links obligation as a Roman concept linking patriarchal and ancestral royalty of privilege, strength, and duty whereby the kingdom obligates a kingly line of succession to sons and grandsons.¹⁵⁴ Dionysius highlights the importance of loyalty to Rome and the debt owed to Rome in Minucius's speech to Marcius in an effort to renew friendship and reconcile him to Rome, "...give yourself back to your country as a most honourable repayment of the debt (ὀφείλημα) you owe her for having given birth and rearing so great a man."¹⁵⁵ The importance of paternal power and overpowering influence of the obligations of family members to the father cannot be underestimated in wider Roman legal, political, and societal structure of relationships.¹⁵⁶

The debt owed to country, to fathers, to military commanders, to friends, and to patrons was gratitude. Senators and patrons gather clients and friends to "ask these too to show their gratitude for former favours now when they were ready to give their votes."¹⁵⁷ When Marcius eventually entered the city of Rome at the forum, he was stoned and later

¹⁵¹ Dionysius of Halicarnassus, *Roman Antiquities* 6.

¹⁵² Dionysius of Halicarnassus, *Roman Antiquities* 6.9.6. Dionysius also mentions the obligation for cowards to die with dishonour. Roman honour obligated soldiers to brave acts for the glory of Rome and for a victory which would "celebrate the triumph for this war, while your children, wives and your parents welcome you back!" Dionysius hints of military obligation as an honourable service..

¹⁵³ Dionysius of Halicarnassus, *Roman Antiquities* 11.40.7-8.

¹⁵⁴ Dionysius of Halicarnassus, *Roman Antiquities* 4.29.2.

¹⁵⁵ Dionysius of Halicarnassus, *Roman Antiquities* 8.28.5.

¹⁵⁶ Dionysius of Halicarnassus, *Roman Antiquities* 11.14.3.

¹⁵⁷ Dionysius of Halicarnassus, *Roman Antiquities* 7.54.3.

given honour in death by his supporters “to show fitting gratitude”

(ὀφειλομένας...χάριτας).¹⁵⁸ Gratitude was a “noble debt.”¹⁵⁹ Obligation induced a reciprocal response in the realms of debt and Roman honour.

Two Jewish authors, the Jewish priest and Greek historian of aristocratic descent, Josephus (AD 37-100), and Philo (20 BC-AD 50), an Alexandrian Jew and philosopher, also relate obligation to the chain of conduct in Rome’s obligation society. Josephus wrote his vast corpus while in an imperial house given to him by the emperor and knew Rome well. He uses obligation in the context of treaty, of reconciliation, and even of a marriage proposal.¹⁶⁰ He tells of the Arab Syllaeus who made proposals to Herod requesting that Salome be given to him in marriage.¹⁶¹ Josephus writes, “This connection, he said, would not be unprofitable to Herod through his association with the government of Arabia, which is now virtually in his (Syllaeus’) hands and by rights should be more so” (καί μᾶλλον ὀφείλεσθαι).¹⁶² Obligation implies connections, associations, and legal rights.

Josephus uses obligation in the sense of kingly succession and family rights in the context of that which was “rightfully due.”¹⁶³ He uses the word also to refer to debts owed to creditors or higher authorities¹⁶⁴ and the release of such debts with circumstantial rights attached to debts and debt freedom.¹⁶⁵ Josephus allows that rights also imply certain responsibilities when he writes of the decree of Halicarnassus.¹⁶⁶ The decree flows with the

¹⁵⁸ Dionysius of Halicarnassus, *Roman Antiquities* 8.59.2.

¹⁵⁹ Dionysius of Halicarnassus, *Roman Antiquities* 5.68.2.

¹⁶⁰ Josephus, *Jewish Antiquities* 4.221; 16.224.

¹⁶¹ Josephus, *Jewish Antiquities* 16.224.

¹⁶² Josephus, *Jewish Antiquities* 16.224.

¹⁶³ Josephus, *Jewish Antiquities* 4.250; 16.79.

¹⁶⁴ Josephus, *Jewish Antiquities* 16.170.

¹⁶⁵ Josephus, *Jewish Antiquities* 4.268; 9.50; 18.158; 19.275; 20.181.

¹⁶⁶ Josephus, *Jewish Antiquities* 14.257.

language of Rome's obligation society with the mention of such words as piety, benefactors, friendship, and payment of a debt in the form of a monetary fine.¹⁶⁷ The legal decree says,

Whereas at all times we have had a deep regard for piety toward the deity and holiness, and following the example of the people of Rome, who are benefactors of all mankind, and in conformity with what they have written to our city concerning their friendship and alliance with the Jews, to the effect that their sacred services to God and their customary festivals and religious gatherings shall be carried on, we have also decreed that those Jewish men and women who so wish may observe their Sabbaths and perform sacred rites in accordance with the Jewish laws, and may build places of prayer near the sea, in accordance with their native custom. And, if anyone, whether magistrate or private citizen, prevents them, he shall be liable to the following fine and owe it to the city.¹⁶⁸

Two key items for understanding obligation flow from this passage in Josephus: (1) obligation incurs a legal responsibility and (2) Roman obligation models itself after Rome, a model to be propagated, promoted, and imitated.

Josephus's word usage of obligation places it in the context of Roman honour and favours incumbent to relationships,

Undismayed by the emperor's anger, Agrippa asked Antonia, the mother of Germanicus and the future emperor Claudius, to grant him a loan of 300,000 drachmas so that he might not lose the friendship with Tiberius. Antonia, both because she still remembered Berenice his mother-for two ladies had been deeply attached to each other-and because Agrippa had been brought up with Claudius and his circle, provided the money. When he had discharged the debt, there was no longer any obstacle to his friendship with Tiberius. Subsequently the emperor Tiberius recommended his grandson to Agrippa and bade him always accompany him on excursions. When Agrippa was received as a friend Antonia, he took to attendance upon her grandson Gaius, who was held in highest honour because of the popularity enjoyed by his father.¹⁶⁹

Indispensable to understanding Rome's obligation society and the legal ramifications that follow it are the tangled webs of power, friendship, debts, and favours associated with

¹⁶⁷ Josephus, *Jewish Antiquities* 14.258.

¹⁶⁸ Josephus, *Jewish Antiquities* 14.258.

¹⁶⁹ Josephus, *Jewish Antiquities* 18.164-167.

Roman honour¹⁷⁰ and the implications for conduct in the enmeshed relationships of Roman society.

Philo, an Alexandrian Jew whose nephew became a prefect to Egypt, was trained in the Greek-*paideia* method, was well educated, and was familiar with Roman civic, political and legal policies. He uses the concept of ὀφειλή with a view to a hierarchical structure, noting the superiority of the emperor and the prestige, fortune, and honours due to an emperor.¹⁷¹ Philo details the simple rule that nations, cities, and people are to give the “reverence due to Caesar.”¹⁷² Obligation as a legal basis with its civic obligations expanded beyond Rome to cities, states, and people where Roman justice and jurisdiction prevailed.

Philo discusses obligation in the context of Jewish laws in the area of religious obligations. A king and lawgiver “ought to have under his purview not only human but divine things; for, without God’s directing care, the affairs of kings and subjects cannot go right.”¹⁷³ The faithful Jew is under obligation to honour God.¹⁷⁴ The wise man has a “bounden duty to honour truth.”¹⁷⁵ In this religious realm, certain obligations require purity¹⁷⁶ and offerings demand the virtue of gratitude:

Further, let him examine the motives which determine him to make the offering. For either he is giving thanks for benefits already received or is asking for security in his tenure of present blessings or for the acquisition of others to come, or for the deliverance from evils, either present or expected, and all these demand that he should (ὀφείλει) put himself into a mental condition of mental health and safety. For if he is offering thanks for what has already been granted, let him not shew ingratitude by falling from the state of virtue in which he received these boons.¹⁷⁷

¹⁷⁰ Josephus, *Jewish Antiquities* 4.318. Josephus uses obligation in the context of Jewish reverence, honouring God, obeying him, and giving him his due.

¹⁷¹ Philo, *The Embassy to Gaius* 140-141.

¹⁷² Philo, *The Embassy to Gaius* 152.

¹⁷³ Philo, *Moses* 2.5.1.

¹⁷⁴ Philo, *The Special Laws* 1.209.3; 1.224.7.

¹⁷⁵ Philo, *Moses*, 2.128.

¹⁷⁶ Philo, *The Special Laws* 3.59.4.

¹⁷⁷ Philo, *The Special Laws* 1.283-284.

Philo connects obligation to the language of benefits, virtue, conduct, and punishments for failed virtuous conduct.

Jewish virtue requires that a man's outward appearance be chaste,¹⁷⁸ that debts be discharged correctly,¹⁷⁹ and that virtuous duty demands for those in the commonwealth to "excel in self-restraint and the other virtues."¹⁸⁰ The virtues of which Philo speaks lay closely akin to piety, moral virtue, legal justice, and relationships which invite responses in the practice of codes of conduct in a given set of circumstances. Such response is bound to the obligation of Roman conduct with its underlying legal ramifications and expectations.

6. *Roman Law in Paul's Era*

While the usage of legal obligation in the first century has been discussed, one of the challenges of Roman law is narrowly dating Roman law near the time of Paul's letter to the Romans. If one accepts Jewett's explanation of a general consensus date for Paul's writing his letter to the Romans between the winter of AD 56-57 or the early spring of 57,¹⁸¹ then how did obligation function near that time? It suggested that to understand Roman law in Paul's era the classical period of Roman law, codes and legal examples must be considered.

Roman legal history in the early empire of Principate follows, according to George Mousourakis, general historical divisions of Roman history, thus dating Roman law in the early empire from 27 BC to AD 284.¹⁸² Riggsby dates Roman law in a "classical period" from the end of the Republic to AD 235.¹⁸³ Jolowicz and Nicholas refer to this period from the last 150 years of the republic and the first century of the empire as "the formative period

¹⁷⁸ Philo, *On the Virtues* 20-21.

¹⁷⁹ Philo, *The Special Laws* 3.159.2.

¹⁸⁰ Philo, *On the Virtues* 127.

¹⁸¹ Jewett, *Romans*, 18.

¹⁸² Mousourakis, *A Legal History*, 1.

¹⁸³ Riggsby, *Roman Law*, 21.

of Roman law.”¹⁸⁴ Versteeg says, “The Classical period of Roman law began in the first century BC and lasted through the 3rd century AD.”¹⁸⁵ Crook refuses to date law and society in general Roman historical periods such as “classical,” instead focusing on law and life from 90 BC to AD 212.¹⁸⁶ This section of the thesis gives an idea about Roman law, life and obligation as it is used from, roughly, 90 BC to AD 212.

Five key informative factors are important to Roman law during this period. First, while Roman government changed, and a Roman revolution ensued in the first century, it was “a revolution of government, not of social structure: and in the age of the Principate the ground-bass of both society and law remained the same, however subtle and remote the variations played above it.”¹⁸⁷ Jolowicz and Nicholas state, “The influences which were at work in the development of law during the Principate were largely the same as those which had been active during the later republic.”¹⁸⁸ Second, the empire in the first century was increasingly growing to become “a race of freedmen, foreigners, and slaves...”¹⁸⁹ This required new laws and the clarification of old ones. For example, in 2 BC the *lex Fufia Caninia* was passed to enact Augustan measures of social legislation regarding slaves with the “object to oblige slave owners to use their powers of manumission wisely and to set free only those slaves who had proved that they deserved freedom: indiscriminate and irresponsible manumission was to be avoided.”¹⁹⁰ Third, the upper social class became more entrenched, despotism grew, and, while jurists increased and principles of law developed,

¹⁸⁴ Jolowicz and Nicholas, *Historical Introduction*, 5.

¹⁸⁵ Russ Vansteeg, *The Essentials of Greek and Roman Law* (Durham: Carolina Academic Press, 2010), 98.

¹⁸⁶ Crook, *Law and Life*, 8-9.

¹⁸⁷ Crook, *Law and Life*, 9.

¹⁸⁸ Jolowicz and Nicholas, *Historical Introduction*, 406.

¹⁸⁹ David Naismith, *Outline of Roman History: Romulus to Justinian with Special Reference to the Growth, Development and Decay of Roman Jurisprudence* (London: Butterworths, 1890), 79.

¹⁹⁰ Keith Bradley, *Slavery and Society at Rome* (Cambridge: Cambridge University Press, 1994), 10. Bradley speaks of the fragment of a Latin will that mentions the *lex Fufia Caninia* and discusses “the slave society of

“political rights did not undergo much change.”¹⁹¹ As such, the lower class experienced frequent humiliation and “had a distinctly inferior standing in the eyes of the law and were subject to heavy and degrading punishments (such as forced labour in the state mines, flogging and torture, condemnation to gladiatorial games and beast-hunts, and execution by crucifixion).”¹⁹² Fourth, Roman law increased in volume with imperial edicts as general ordinances, decrees or judgments, and by mandates set forth to the magistrates or individuals.¹⁹³ Fifth, Roman expansion through military victories enacted the need of Roman law for conquered territories as each one was placed under obligation and, according to Riggsby, as “Rome took the package of legal rights and obligations that had previously distinguished ‘real’ Latins and started giving them out to others (even people who had been born Roman) as a matter of policy.”¹⁹⁴ These factors influenced Roman law in the first century.

A review of key elements of Roman law from 90 BC to AD 212 would include legal references from the *Twelve Tables*, Cicero, the *Institutes of Gaius*, the Roman jurist Justinian’s legal works, and a random sample of edicts and decrees.

The Roman historian Livy (59 BC-AD 17) writes, “Even in the present immense mass of legislation, where laws were piled on laws, the *Twelve Tables* still form the fount of all public and private jurisprudence.”¹⁹⁵ While only 115 fragments of the *Twelve Tables* exist, a compilation identifies such law as (1) preliminary legal proceedings, (2) trial, (3) debt, (4) paternal power, (5) inheritance and guardianship, (6) ownership and possession, (7) real property, (8) torts or delicts, (9) public law, (10) sacred law, (11) supplementary laws such as

Rome” in terms of powerlessness, “rightlessness,” degradation and servitude, even naming slaves as merchandise (10-30).

¹⁹¹ Naismith, *Outline of Roman History*, 85.

¹⁹² Mousourakis, *A Legal History*, 94.

¹⁹³ Naismith, *Outline of Roman History*, 82.

¹⁹⁴ Riggsby, *Roman Law*, 23.

intermarriage, and (12) supplementary laws regarding distress, slaves, and valid laws which were binding.¹⁹⁶

P. R. Coleman-Norton says, “The value of the *Twelve Tables* consists not in any approach to symmetrical classification or even terse clarity of expression, but in the publication of the method of procedure to be adopted, especially in civil cases, in the knowledge furnished to every Roman of high or low degree as to what were both his legal rights and duties, in the political victory won by plebeians, who compelled the codification and the promulgation of what had been largely customary law interpreted and administered by the patricians in their own interests.”¹⁹⁷ The terms “rights and duties” are important for Roman obligation. The *Twelve Tables*, for example speaks to the rights of a debt, a debtor, and the ensuing obligations, such as a credit binding a debtor with bonds (“with thong or with fetters, of which shall be not less than fifteen pounds”) or the creditor’s obligation to supply a debtor with bread, or some other punishment.¹⁹⁸ Zimmermann’s idea of an “invisible rope” in the time of Justinian had roots in a literal rope prior to the period of classical law.¹⁹⁹ Jolowicz and Nicholas add a salient comment regarding the *Twelve Tables* in the binding nature in the sense of a legal contract, “For obligation is a means to securing satisfaction, whereas vengeance is itself the satisfaction sought.”²⁰⁰ In other words, a duty is recognised by a creditor and debtor, a duty is expected to be performed, but if it is not performed the creditor “wants a hostage or a pledge with whom or with which he can do what he likes if he does not

¹⁹⁵ Livy, *Roman History* 3.34.6.

¹⁹⁶ P. R. Coleman-Norton, *The Twelve Tables: Prefaced, Arranged and Annotated* (rev. ed.; Princeton: Department of Classics, 1948), 3-18.

¹⁹⁷ Coleman-Norton, *The Twelve Tables*, 2.

¹⁹⁸ Coleman-Norton, *The Twelve Tables*, 4-5.

¹⁹⁹ Zimmermann, *Law of Obligations*, 5.

²⁰⁰ Jolowicz and Nicholas, *Historical Introduction*, 160.

get his rights.”²⁰¹ The word “hostage” implied an intense relationship and the word “pledge” implied the often oral nature of obligation reflected in the *Twelve Tables*.

Cicero (106 BC-43 BC) says that the law of the *Twelve Tables* was learned in boyhood “as a required formula.”²⁰² “The provisions of the *Twelve Tables* are couched in the form of terse commands and prohibitions, exhibiting a rhythmical cadence that must have facilitated memory retention.”²⁰³ While the *Twelve Tables* formed the foundation of Roman society, by the time of Cicero the legal rules, and solutions for societal and legal problems had evolved into “ordinary expectations that social and legal relations entailed.”²⁰⁴ In other words, while obligation found its legal roots in the *Twelve Tables*, “Roman lawyers alluded to the nature of an obligation, the nature of a contract, and such like.”²⁰⁵ Cicero referred to and discussed obligations in his works, especially in *On Duties* and *The Laws*. Of keen interest is that Cicero’s words on obligation endorse “the Stoic view that the world is governed by a universal soul, a divine reason, whose dictates constitute an Eternal law.”²⁰⁶ Virtue will be discussed in chapter two.

Cicero is valuable source for this thesis and also for understanding obligation. According to Crook, in Cicero’s matching up of law and society, “the evidence of Cicero is too valuable to sacrifice.”²⁰⁷ Watson adds, “The clearest indication, though, of the social importance which a knowledge of law had for the early Romans is in Cicero.”²⁰⁸ Griffin and Akins discuss Cicero’s interest in social obligations, focusing on the socially superior with a

²⁰¹ Jolowicz and Nicholas, *Historical Introduction*, 159.

²⁰² Cicero, *The Laws* 2.59.

²⁰³ Mousourakis, *A Legal History*, 25.

²⁰⁴ Mousourakis, *A Legal History*, 124.

²⁰⁵ Mousourakis, *A Legal History*, 124.

²⁰⁶ Mousourakis, *A Legal History*, 123.

²⁰⁷ Crook, *Law and Life*, 9.

²⁰⁸ Alan Watson, *The Law of the Ancient Romans* (Dallas: Southern Methodist University, 1970), 5.

“general lack of interest in obligations towards recognised social inferiors.”²⁰⁹ This is not to say that Cicero had nothing to say about social inferiors, but that he was more likely to write from the perspective of a social superior as a legal advocate and lawyer.

Cicero speaks of obligations as duties of persons to the immortal gods, of citizens to country, children to parents, in general terms.²¹⁰ For example, Cicero says in a dialogue, “Well, then, are not the claims of the country paramount to all other duties?”²¹¹ More specifically, he speaks of obligatory duties of clients to patrons, of young men to their elders, of citizens to honour fellow citizens, of individuals in cities to established laws and customs, and of friendship, and even how to demonstrate justice to an enemy.²¹²

Cicero appears mostly general, yet he discusses laws and obligations in *The Laws* such as the law of a citizen to obey a magistrate.²¹³ Obligation was codified in the *Institutes of Gaius*. Little is known about Gaius, except that he was a Roman citizen, a jurist who was thought to have lived from AD 117 to 180, and author of the *Institutes* whose “primary value lies in the information it imparts on the state of classical law and jurisprudence.”²¹⁴ Gaius is especially helpful in the area of legal obligation.²¹⁵ Gaius wrote the *Institutes* in a time of transition with regard to Roman legal matters, yet for him *obligatio* had a history that originated in “the contractual relations recognised by the civil law.”²¹⁶

Gaius discusses obligations as contract or delict.²¹⁷ The discussion and list of obligations is too exhaustive to list for purposes of this thesis, but a few examples will be given. First, consider some general contracts in Roman law. A person was under obligation if

²⁰⁹ Cicero, *On Duties* (ed. M.T. Griffin and E. M. Atkins; Cambridge: University Press, 1991), xxiii.

²¹⁰ Cicero, *On Duties* 1.160.

²¹¹ Cicero, *On Duties* 3.90.

²¹² Cicero, *On Duties* 2.69; 1.122; 1.123; 1.148; 1.43-44; 1.35-40.

²¹³ Cicero, *The Laws* 3.5.

²¹⁴ Mousourakis, *A Legal History*, 117.

²¹⁵ Mousourakis, *A Legal History*, 117.

²¹⁶ Zulueta, *The Institutes of Gaius: Part II, Commentary*, 142.

he received a loan of money, wine, oil, corn, bronze, silver or any other real thing.”²¹⁸ A person who made a verbal promise was under obligation to the one promised.²¹⁹ Contracts of sale, hire, partnership, and mandate they could carry a reciprocal aspect with both sides incurring obligations, depending on whether the contract was written or verbal.²²⁰ In Roman law a new obligation could arise when an old one was discharged such as a new third party entering into a contract or payment of a debt.²²¹

Second, consider obligations of delict. Gaius addresses delictual obligations incurred from theft, robbery, damage to property, or injury to a person.²²² Obligations of delict might include a penalty, such as flogging; an action, such as paying the owner the highest value of a stolen slave or cattle; or a remedy, such as paying the value of the thing damaged or stolen.²²³ Zulueta points out that the words *obligare* and *obligatio* “hardly occur in the account of the delicts,” but the words still place the liability of obligation in the form of a contract.²²⁴ Jolowicz and Nicholas note that vengeance might be a form of delict and contract, stating, “The idea of obligation emerges therefore only when the stage is reached at which the person wronged may agree to forgo his vengeance if the wrongdoer will pay him composition, and it is precisely in these agreements for composition that we find the beginning of a contract.”²²⁵ In other words, failed obligations could produce duties and liabilities in the form of a contract and retribution for unmet obligations.

²¹⁷ Gaius, *Institutes*, 3.88.

²¹⁸ Gaius, *Institutes*, 3.90.

²¹⁹ Gaius, *Institutes*, 3.92-3.

²²⁰ Gaius, *Institutes*, 3.136-41.

²²¹ Gaius, *Institutes*, 3.176.

²²² Gaius, *Institutes*, 3.182.

²²³ Gaius, *Institutes*, 3.182-223.

²²⁴ Zulueta, *The Institutes of Gaius: Part II*, 142.

²²⁵ Jolowicz and Nicholas, *Historical Introduction*, 160.

Zimmermann makes a poignant summary statement, “Thus, significantly, it was Gaius who started subdividing the law of obligations in a rational manner.”²²⁶ Nicholas adds, “The *Institutes of Gaius* are therefore of unique importance because they provide the only evidence for classical law which we can with reasonable certainty believe to be free from alteration either by post-classical editors or Justinian’s compilers.”²²⁷

A student textbook for the jurists of Roman law called *Justinian’s Institutes* (AD 533) is important because some of the Latin text is borrowed from *The Institutes of Gaius*, or an “updated revision of Gaius’s work.”²²⁸ Obligation is defined by Justinian as a “legal tie which binds us to the necessity of making some performance in accordance with the laws of our state.”²²⁹ Justinian’s own metaphor regarding his textbook was *cunabula legum*, “a cradle of the law,” an ordering of the law that is “pragmatic, inherited from the past, based ultimately on praetor’s edict...”²³⁰ Book 3 discusses obligation in such categories as state law (statute) or praetorian law (also known as honorarian law in a given jurisdiction) with obligations contracted by conduct, by words, by writing, and by agreement.²³¹

Justinian’s Institutes were produced near the completion of the compilation work called the *Digest of Justinian* (AD 533).²³² The *Digest*, more than a history of legal practice, provided readers the force of Roman law that “was to govern the lives of the people and the practice of the courts.”²³³ Riggsby adds, “Instead of a smooth, unified legal code, we have a

²²⁶ Zimmermann, *The Law of Obligations*, 24.

²²⁷ Nicholas, *Introduction*, 35.

²²⁸ Riggsby, *Roman Law*, 39.

²²⁹ Justinian, *Justinian’s Institutes: Translated with an Introduction* (trans. Peter Birks and Grant McLeod; London: Duckworth, 1987), 105.

²³⁰ Justinian, *Justinian’s Institutes*, 15.

²³¹ Justinian, *Justinian’s Institutes*, 105.

²³² Crook, *Law and Life*, 13. Johnston, *Roman Law in Context*, 19. He says, “The procedural system in Justinian’s day was different from that of classical times, although the *Digest* regularly refers to the classical formulary system...” (p. 19).

²³³ Crook, *Law and Life*, 15.

document that shows its origins in cut and paste.”²³⁴ The compilation “should be viewed as interconnected parts of an organic whole,” while noting that Justinian “aspired to produce a comprehensive, systematic and authoritative statement of existing law based on the legal inheritance of the classical period.”²³⁵

The *Digest* begins by speaking of justice, law, statutes, human status, and duties (*officio*) of senators, consuls, prefects, governors, and other government employees who enforce law.²³⁶ The legal “duties” outlined obligations. Book 44.7 addresses obligations and actions noting that obligations “bind another person to give, do or perform something for us.”²³⁷ The massive volume of the *Digest* prevents one from speaking to every obligation, but it does address such matters as patrons and clients, parents and children, masters and slaves, and the principal duty offered to parents and patrons as well as specific issues such as the obedience of a soldier, who, if he commits an offense against his father, should be punished for the offence.²³⁸ The compilation of the *Digest* itself, according to Watson, “shows that Justinian’s aim was not to change and modernize the writings of the classical jurists.”²³⁹

Massurius Sabinus was a Roman jurist from the Sabinian school of jurists in the first century who wrote *The Urban Praetor’s Edict* and was also still alive at the time of Nero.²⁴⁰ Sabinus’s responses in the *Digest* spoke of obligations between a patron and a freedman, observing that “the freedmen should provide services, while being himself responsible for his food and clothing; but if he cannot maintain himself, the patron is to provide his food.”²⁴¹

²³⁴ Riggsby, *Roman Law*, 39-40.

²³⁵ Mousourakis, *A Legal History*, 191.

²³⁶ *Digest* 1.1-22.

²³⁷ *Digest* 44.7.3.

²³⁸ *Digest* 1.7; 2.26; 2.27; 3.37.14-15; 3.37.15.1; 3.38.1-4.

²³⁹ Watson, *Law of the Ancient Romans*, 92.

²⁴⁰ Jolowicz and Nicholas, *Historical Introduction*, 381.

²⁴¹ *Digest* 38.1.18.

Massurius Sabinus addresses the obligations of contracts, partnerships, marriage, and such issues as children, orphans, and tutors.²⁴²

A random sample of Roman statutes and laws shows the operative use of obligation as reflected in the first century. The book *Ancient Roman Statutes* lists a number of edicts and laws in documented form related to obligation near the first century. A few examples are listed as follows: Decree of the Senate on Political Clubs (associations, retributive obligation, 56 BC); Edict of Caesar on privileges of Hyrcanus (obligations of friendship, 46/44 BC); Decrees of the Senate on Rome's Water Supply (obligations requiring actions, 11 BC); Edict of Augustus on Jewish Rights (rights and obligations, 1 BC); Edict of Claudius on Jewish Rights (obligation to end disturbances and to be subject to Roman law, AD 41); Edict of Geta on Priestly Immunity (release of duty or obligation from working the fields, AD 54); Rescript of a Procurator on Vardagate's Municipal Problems (obligations of freedmen and their civic duties, patrons, AD 69); Charter of Malaga (obligations of magistrates, voting rights, and legal obligations of personal sureties, AD 82/84); the Edict of Nerva on Domitian's Benefactions (renewed benefits and the obligations of goodwill associated with benefaction, AD 96); and Regulations for Warehouses (obligations for leasing warehouses and payment due, AD 96).²⁴³ A general perusal of the edicts and law finds them listed on bronze tablets, marble columns, tablets and etched in stone on buildings in both Latin and Greek in villages, towns and cities.²⁴⁴ Obligation was reflected in Greek, in Latin and expanding Roman entities in the first century.

A random sample of specific laws, edicts and legal inscriptions is best illustrated by documents "written on a series of wax tablets excavated at Muricine near ancient

²⁴² *Digest* 2.18.1; 2:17; 2.23.2; 2.27.

Pompeii.”²⁴⁵ The documents involve the legal affairs of a family named the “Sulpicii,” were buried by the volcanic eruption of Mount Vesuvius (AD 79), and are called the **TPSulp** from their Latin name “Tabulae Pompeianae Sulpiciorum.”²⁴⁶ A few samples are listed as follows:

TPSulp 4

Guarantee-of-appearance made by Zenon of Tyre, freedman of Zenobius, for the coming 11 June in the Forum of Puteoli in front of the Hordonian altar of Augustus at 9 AM. Gaius Sulpicius Cinnamus asked that HS 1200 be promised, and Zenon of Tyre, freedman of Zenobius, made the promise. Done at Puteoli 9 June 52.

TPSulp 54

Written-commitment of Marcus Lollius Philippus for HS 20,000. Written commitment of Gaius Avilius Cinnamus on behalf of Marcus Lollius Philippus 3 October 45. I, Marcus Lollius Philippus, have written that I received HS 20,000 in cash as a loan and owe it to Gaius Sulpicius Cinnamus. Gaius Sulpicius Cinnamus asked for a formal promise for the above-specified HS 20,000; I Marcus Lollius Philippus, made the promise. Done at Puteoli 3 October of the same date. I, Gaius Avilius Cinnamus, have written at the prompting of Gaius Sulpicius Cinnamus that I have made a guarantee for the above-specified HS 20,000 at my own risk on behalf of Marcus Lollius Philippus and Gaius Sulpicius Cinnamus. Moreover, I declare have sworn by Jupiter and by the guardian spirit of the divine Augustus that I have not served as guarantee for the same men in any other matter this year. Done at Puteoli.

TPSulp 60

Accounts of Titinia Antracis

Paid out to Euplia of Melos, daughter of Theodorus, with the approval of her tutor Epichares of Athens, son of Alexander: HS 1,600. He asked for and received HS 1,600 from her domestic chest...

For the chest. Epichares of Athens, son of Aphrodisius, at the prompting of Titinia Antracis, offered a guarantee to Titinia Antracis for the above-mentioned HS 1,600 in cash on behalf of Euplia of Melos, daughter of Theodorus. Done at Puteoli 20 March 43.

²⁴³ Allan Johnson, Paul Coleman-Norton, Frank Bourne, Clyde Pharr, eds., *Ancient Roman Statutes: A Translation with Introduction, Commentary, Glossary and Index* (Austin: University of Texas Press, 1961), 82-162. Particularly noted are documents 94, 107, 141, 150, 178, 179, 180, 182, 192, and 202.

²⁴⁴ Johnson, Coleman-Norton, Bourne, Pharr, eds., *Ancient Roman Statutes*, 82-202.

²⁴⁵ Riggsby, *Roman Law*, 235.

²⁴⁶ Riggsby, *Roman Law*, 235.

TPSulp 79

15 March 40. I, Lucius Marius Iucundus, freedman of Dida, wrote that I gave 13,000 *modii* of Alexandrian grain to Gaius Sulpicius Faustus, grain which rests in bin 26 of the upper Barbatian granary of Domitia Lepida as a pledge against HS 20,000, which I have written in a document I owe to him. If next 15 May I have not repaid the above-mentioned HS 20,000 or arranged security, then you will be permitted to sell at auction the grain in question under the condition of the pledge in question. If you sell it for more, return the difference to me; if for less, I will return the difference to you or your heir. We have discussed and I have agreed that the grain in question is at my risk or that of my heir. Done at Puteoli.²⁴⁷

Each of these examples suggests an obligation dated “from the early to the mid first century AD.”²⁴⁸

Another sample comes from the papyrus at *Oxyrhynchus* [1021] as a draft of a proclamation of Nero (AD 54):

Fulfilling the debt to his ancestors, the manifest god Caesar has departed to them, and the expected and hoped for imperator of the world has proclaimed: the good spirit of the world, the *origin* of [the greatest of] all good things, Nero, has been proclaimed Caesar. For this reason, all of us ought to wear wreaths and sacrifice oxen to show to all the gods our gratitude. Year 1 of Nero Claudius Caesar Augustus Germanicus on the twenty-first of the month New Augustus.²⁴⁹

This sample indicates obligations of honour surrounding Nero’s reign.

Roman law in the first century produced legal and social obligations in society. Still, Parkin and Pomeroy supply a word of wisdom, “given the importance of established systems of conduct and their enforcement throughout the Roman world, it is impossible to give more than a fleeting impression of Roman law.”²⁵⁰

7. Conclusions

This chapter has demonstrated the binding nature of obligation in Roman law. First-century conduct in Roman society possessed a powerful, yet invisible rope, which incited a code of conduct in relationships. The first-century dweller knew of the legal code of obligation and

²⁴⁷ Riggsby, *Roman Law*, 237-51.

²⁴⁸ Riggsby, *Roman Law*, 235. Obligations are indicated by the words: guarantee, promise, oath, obliged, debt, loan, pledge.

²⁴⁹ Robert K. Sherk, ed., *The Roman Empire: Augustus to Hadrian* (Cambridge: University Press, 1988), 102-3.

its incipient obligations although the code was primarily oral in nature. No known, written code of law existed during the first century. In spite of this, each citizen understood Roman law and its priority in social practice dominated the mind of the Roman in daily social practice in its many facets. The law of obligations was classified by the Romans and first-century literature overflows with the language, ideology, and the legal significance of Roman law. Apart from Roman law, social practice in the Roman empire cannot be fully comprehended. Apart from Roman law neither can we understand the *Sitz im Leben* of Romans 14:1-15:13.

Even with an understanding of Roman law, however, there were cultural *mores* beneath the layers of law which fit into the social pattern of conduct and which influenced the obligations and duties of conduct. These cultural *mores* will be discussed in the next chapter.

²⁵⁰ Tim G. Parkin and Arthur J. Pomeroy, *Roman Social History* (London: Routledge, 2007), 292.

Chapter 2: Cultural *Mores* of Rome's Obligation Society

Introduction

It has been suggested in Chapter 1 that Rome was an obligation society of widespread proportions. The legal dynamic and intensity of obligation in personal relations in Roman society energized a chain-like series of legal, practical, and social obligations. The power of obligation has been seen both in its legal basis for society and in its strategic role in social practice and relations.¹ The legal basis introduces integral *mores* that helped shape Roman society in the first century.

Mores refers to the customs, the *mos maiorum*, or what is commonly called “the custom of our ancestors.”² *Mos* is the singular form, “custom.” *Mores* are the plural form, “customs.” The singular and plural forms are often used interchangeably. *Mores* were part of an unwritten law or code that reflected Roman societal norms with unwritten rules that aimed for unity, remedies of conflict, and severity of punishment that reinforced binding actions of justice.³ Jolowicz and Nicholas acknowledge that “Roman law, like that of other nations, of course originated in custom.”⁴ As such, customs “exercised a regulative function in Roman society.”⁵ They were “a common body of [societal] norms...for governing a whole community.”⁶ Crook explains customs in terms of the behaviour of what people actually do that influences that law.⁷ In essence, a custom precedes a judicial sentence and generally

¹ Reasoner, *The Strong and the Weak*, 58-63. He makes points of contact with an “application of sociological theory” in Romans 14:1-15:13, but only makes a light reference to the customary sense of honour and shame in Roman society. He also discusses the customs of duty, benefits, good faith, and the ethic of reciprocity in the context of patronage, albeit briefly and succinctly (176-86).

² David J. Bederman, *Custom as a Source of Law* (Cambridge: University Press, 2010), 17. As important as this chapter is to Roman obligation, Reasoner in *The Strong and the Weak* focuses on social status, hierarchy and social theory but gives little attention to Roman customs and their force in obligation (see pp. 45-63). Cicero exclaims, “Oh the times! Oh the customs (*mores*)!” as an exclamation of the influence of Romans customs (*Against Verres* 2.25).

³ Bederman, *Custom as a Source of Law*, 17-22.

⁴ Jolowicz and Nicholas, *Historical Introduction*, 101.

⁵ Garnsey, *Social Status*, 230.

⁶ Mousourakis, *Legal History*, 22-23.

⁷ Crook, *Law and Life*, 27.

were felt to promote the “physical and moral well-being” of society.⁸ Customs reflected common practices based on their “longevity, consistency, and widespread observance.”⁹ Customs serve as “a positive source of obligation.”¹⁰ Ultimately, *mores* reinforced Roman virtues and excellence of the men of the past in the Roman empire who possessed “high moral standards of qualities such as self-control, propriety and severity.”¹¹ *Mores* intersected Roman identity as a way of life in a “complex pattern of traditions” and also reinforced Roman superiority, authority and a culture favouring the powerful or elite.¹²

The purpose of this chapter is to examine the cultural *mores* of Rome’s obligation society in light of a discussion of virtue (ἀρετή). It also investigates the connection between obligatory societal bonds and virtue to the basic *mores* which represented Roman social practice.

In order to demonstrate an understanding of cultural *mores* in the first century three topics will be discussed: (1) A *rationale* for virtue in light of Roman obligation; (2) Roman virtue; and (3) cultural *mores* as indispensable to daily Roman social practice. These *mores* provide a clearer understanding of the bonds and ties of relationships in Roman culture.

1. A Rationale for Virtue in Light of Roman Obligation

When Paul used the Greek word ὀφείλομεν in Romans 15:1, the legal and social implications of the word involved “a part of the philosophy of the Romans that the duty of a citizen included taking his share of the burden of the law.”¹³ There was “constant sense of the omnipresence of legal concepts amongst the Romans” that produced a sense of duty that had roots in Greek philosophy.¹⁴ Greek philosophical ideas influenced Roman law, ideas of

⁸ Maine, *Ancient Law*, 5, 19. See also pp. 5-20.

⁹ Bederman, *Custom as a Source of Law*, 19.

¹⁰ Bederman, *Custom as a Source of Law*, 20.

¹¹ Skidmore, *Practical Ethics*, 61.

¹² Andrew Wallace-Hadrill, *Rome’s Cultural Revolution* (Cambridge: Cambridge University Press, 2008), 34. See also pp. 17-37.

¹³ Crook, *Law and Life*, 33.

¹⁴ Crook, *Law and Life*, 34.

Greek dialectical method and Epicurean and Stoic philosophy.¹⁵ The Greek philosophical ideas developed a general concept of law or “rule of life” that influenced the idea that a custom preceded a legal judgment and “that a judgment must affirm a custom or punish its breach.”¹⁶ Greek dialectical methods influenced Roman law, although there is debate about the jurists’ ability “to make constructive use of it.”¹⁷ Regardless, according to Watson, “the prominent role of the jurists in Roman law is undeniable” and the jurists often struggled in legal decisions “to come up with a sane solution” when conflicting principles arose.¹⁸ Still, the underlays of Roman law included Epicurean and Stoic influences, especially among Rome’s educated upper classes, that “were primarily concerned with offering rules for life with the practical tendencies of the Roman character...”¹⁹ “Stoicism, in particular, appealed to the Romans’ sense of duty and it formed an important and positive force in society.”²⁰ The Roman jurist from the first century, Massurius Sabinus, might have been a Stoic, but that is only speculative.²¹ Maine speaks of “the alliance of lawyers with the Stoic philosophers,” adding, “Several positions we find in the remains of Roman juris-consults are scarcely intelligible, unless we use the Stoic tenets as our key...”²² Stoicism, had some influence on Roman law and contributed to the progress of Roman society.²³

Fundamental to Stoicism is the concept of virtue which maintains “that virtue is self-sufficient for happiness.”²⁴ The Stoics believed in the good life, or a life of excellence characterised as virtue and Stoicism influenced Roman thought and political philosophy.²⁵ Stoics follow the path to the good life through two rational beliefs: “the virtuous person is

¹⁵ Jolowicz and Nicholas, *Historical Introduction*, 97, 406, 414; Maine, *Ancient Law*, 1-5.

¹⁶ Jolowicz and Nicholas, *Historical Introduction*, 96; Maine, *Ancient Law*, 4-5.

¹⁷ Alan Watson, *The Spirit of Roman Law* (Athens, Geo.: University of Georgia Press, 1995), 163.

¹⁸ Watson, *The Spirit of Roman Law*, 57, 99.

¹⁹ Mousourakis, *Legal History*, 43.

²⁰ Mousourakis, *Legal History*, 43.

²¹ Jolowicz and Nicholas, *Historical Introduction*, 378-80.

²² Maine, *Ancient Law*, 56.

²³ Maine, *Ancient Law*, 54-57.

²⁴ Christopher Gill, *The Structured Self in Hellenistic and Roman Thought* (Oxford: Oxford University Press, 2006), 15.

²⁵ Mousourakis, *Legal History*, 212 n. 19.

self-sufficient and happy; and moral duty requires human beings to live honourably.”²⁶ In simplistic terms, Stoic philosophy invited ethical actions, an altruistic, dutiful commitment to public service, and “the subordination of all individuals, including oneself, to the universal reason at work in the world.”²⁷ Actions, duty, and subordination became three concepts important in many respects to the nature of an obligation.

Fundamental to Roman law was a Stoic belief in an eternal law that coincides with “the law of nature, which, as pertaining to a man’s communal life, furnished the principles of right and wrong guiding human action.”²⁸ Roman law based on the law of nature produced, ultimately, the nature of an obligation and the nature of a contract.²⁹ Obligations and contracts take into consideration “an obligation to consider the interest of others in determining how to act.”³⁰ Graver notes, “In theory, that obligation should extend not only to others in existing social systems (the *polis* within which one is born) but also to every human being, since all rational human beings are in fact united in a single cosmic community...”³¹ In Roman law and society virtue influenced certain actions. As such, Greek philosophy that influenced Roman law had social implications, albeit obligations of noble and virtuous actions. It is suggested, therefore, that Paul’s use of Roman obligation in Romans 15:1 (ὁφείλομεν) requires an investigation of Roman virtue and the socio-cultural impact of *mores* in the underlays of Roman law.

2. Roman Virtue

Evidence suggests “a remarkable penetration of Roman legal culture wide throughout the empire.”³² However, references to Roman legal sources and the unwritten code of law which Romans understood in social practice only tell part of the story in comprehending its

²⁶ Raymond Belliotti, *Roman Philosophy and the Good Life* (New York, NY: Lexington Books, 2009), 61.

²⁷ Prior, *Virtue and Knowledge*, 213-14.

²⁸ Mousourakis, *Legal History*, 123.

²⁹ Mousourakis, *Legal History*, 124.

³⁰ Margaret R. Graver, *Stoicism and Emotion* (Chicago: University of Chicago Press, 2007), 176.

³¹ Graver, *Stoicism and Emotion*, 176; Epictetus, *Discourses* 2.10.

³² Johnston, *Roman Law in Context*, 11.

obligation society. The Romans themselves understood law in society and “recognised that a moral ‘obligation’ may exist where there is no legal *obligatio*.”³³ *Mores*, or character, or customs as a way of life, figured heavily in the daily trafficking of conduct and social relations.³⁴ Crook notes that the Romans themselves invested in relationships, “The cement of their daily financial relationships was people, not things.”³⁵ Consequently, people needed a set pattern or moral precept as to how to relate in daily life and a depth of understanding as to how to operate in relationships. *Mores* provided one critical aspect of that pattern and operation in influencing ethical behaviour in Rome’s obligation society.

Mores in the daily life of the ancient Romans imply obligations or duties which have an ethical basis in the Roman concept of virtue. The Greek philosopher Aristotle (384-322 BC) gives an example of virtue where he views virtue (ἀρετή) as “moral goodness,” “the sort of disposition that is created by the best movements of the spirit’s best actions and emotions,” operative in persons trained to reason, act and conduct themselves according to the highest and best.³⁶ MacIntyre says, “One of the features of the concept of a virtue...is that it always requires for its application the acceptance of some prior account of certain features of social and moral life in terms of which it has to be defined and explained.”³⁷ Virtue finds its ideal description in Roman culture for Cicero (106-43 BC) in the Roman “good man,” a person of character “established by the performance of countless duties and possession of praiseworthy qualities.”³⁸ Cicero (106-43 BC), a Roman orator, legal advocate, and politician, “is the clearest indication...of the social importance which a knowledge of law had for the early

³³ W. W. Buckland, *The Main Institutions of Roman Private Law* (Cambridge: Cambridge University Press, 1931), 237. Buckland says that *debitum* and *obligatio* mean “much the same” (p. 237). He speaks of legal obligations and the “intensely personal nature of *obligatio*” (p. 236).

³⁴ Garnsey, *Social Status and Legal Privilege*, 210. Garnsey holds that character is influential in court cases and “...was intimately connected with social position: *boni mores*, good character, were nothing less than the virtues of the higher orders.”

³⁵ Crook, *Law and Life*, 243.

³⁶ Aristotle, *Eudemian Ethics* 2.1220a.24, 23-37.

³⁷ Alasdair MacIntyre, *After Virtue: A Study in Moral Theory* (Notre Dame: University of Notre Dame Press, 1981), 174.

³⁸ Cicero, *On Duties* 3.77.

Romans.”³⁹ As an orator Cicero was influenced by Stoic philosophy and his writings reflect Greek thought.⁴⁰ Epictetus (AD 55-135), a Stoic philosopher, a teacher of practical ethics, and a freedman who personally understood obligations considering he was a former slave, describes Cicero as the “good and excellent man” who is a good citizen, a man of moral purpose, and a man who carefully weighs matters, examining and judging them carefully.⁴¹ More will be said about the “good man” later in this chapter. The Roman concept of virtue in the Roman “good man” intersects with obligation at its most essential core in social practice.

As a legal advocate and politician, Cicero was a “patron,” in essence, “a social superior who was supposed to look out for a set of social inferiors (‘clients’), who were in turn loyal and supportive of him.”⁴² Riggsby adds,

In principle, this relationship should be long-standing and inclusive of many activities: advice (both legal and practical), gift giving, access to persons of different social ranks. In this context, the patron would be more likely to have access to legal knowledge than his clients, both by virtue of better education and by being a part of or connected to the governmental apparatus. Still, the most important thing a patron brought to a case might well be his personal authority rather than his specific legal knowledge. If authority and knowledge became somewhat confused with each other, that worked to the patron’s advantage.⁴³

In the end, an advocate achieved wanted prestige and expected “some concrete show of the client’s gratitude.”⁴⁴ The politics of virtue had social implications and expected obligations of reply, such as gratitude.

Virtue intersects with Rome’s obligation society and the morals and ethics which entail obligation.⁴⁵ Therefore, a brief discussion is necessary.

³⁹ Watson, *The Law of the Ancient Romans*, 5.

⁴⁰ Mousourakis, *Legal History*, 123.

⁴¹ Belliotti, *Roman Philosophy*, 203; Epictetus, *Discourses* 1.12.7-8; 2.12.23-25.

⁴² Riggsby, *Roman Law*, 50.

⁴³ Riggsby, *Roman Law*, 50.

⁴⁴ Riggsby, *Roman Law*, 51.

⁴⁵ Wayne A. Meeks, *The Origins of Christian Morality: The First Two Centuries* (New Haven: Yale University Press, 1993). Meeks discusses virtue and vice in Chapter 5, “The Language of Obligation” (pp. 66-90). Meeks also discusses Christian virtue and exhortations as the grammar by which “kinds of social practice shaped and reinforced and gave meaning to the moral sensibilities of the early Christians” (p. 91).

Cicero, in his extended discussion *On Duties*, speaks to Marcus on the indispensable need for “moral goodness” in Roman society⁴⁶ and addresses four cardinal virtues: wisdom, justice, fortitude, and self-control.⁴⁷ He delineates these four virtues:

But all that is morally right rises from some one of four sources: it is either (1) with the full perception and intelligent development of the true; or (2) with the conservation of organized society, with every man rendering to every man his due, and with the faithful discharge of obligations assumed; or (3) with the greatness and strength of a noble and invincible spirit; or (4) with the orderliness and moderation of everything that is said and done, wherein consist of temperance and self-control.⁴⁸

Cicero considers these virtues in the language of obligation and its two-fold goals: “relations man to man” set in the context of daily life⁴⁹ and an “orderliness” which complements society in the realm of good behaviour.⁵⁰ The language of obligation resonates throughout Cicero’s discourse with such words as “common bonds,”⁵¹ mutual help,⁵² “to contribute to the general good by an interchange of acts of kindness, by giving and receiving, and thus by our skill, our industry, and our talents to cement human society more closely together, man to man,”⁵³ “common social ties,”⁵⁴ “no duty (*officium*) is more imperative than that of proving one’s gratitude,”⁵⁵ “the infinite bond of union,”⁵⁶ “the bonds of fellowship...none more powerful than when good men of noble character are joined in intimate friendship,”⁵⁷ obligations to country⁵⁸ and individuals,⁵⁹ to devote wealth to “beneficence and liberality,”⁶⁰ as a general rule of virtue, to uphold honour and dignity,⁶¹ and, finally, to fulfil the duty “to respect,

⁴⁶ Cicero, *On Duties* 1.15.

⁴⁷ Cicero, *On Duties* 1.15.

⁴⁸ Cicero, *On Duties* 1.15.

⁴⁹ Cicero, *On Duties* 1.17.

⁵⁰ Cicero, *On Duties* 1.15.

⁵¹ Cicero, *On Duties* 1.20.

⁵² Cicero, *On Duties* 1.22.

⁵³ Cicero, *On Duties* 1.20.

⁵⁴ Cicero, *On Duties* 1.45.

⁵⁵ Cicero, *On Duties* 1.47.

⁵⁶ Cicero, *On Duties* 1.53-54.

⁵⁷ Cicero, *On Duties* 1.55.

⁵⁸ Cicero, *On Duties* 1.1.58.

⁵⁹ Cicero, *On Duties* 1.59.

⁶⁰ Cicero, *On Duties* 1.68.

⁶¹ Cicero, *On Duties* 1.124.

defend, and maintain the common bonds of union and fellowship subsisting between all members of the human race.”⁶² What does the performance of the virtues produce?

Performance of the virtues in social exchange produces reciprocity and mutuality. Of reciprocity, Cicero speaks of doing a duty and requiting one, “Whether we do the kindness or not is optional; but to fail to requite one is not allowable to a good man, provided he can make the requital without violating the rights of others,” so that “the greater the favour, the greater the obligation.”⁶³

Of mutuality, Cicero expresses bonds in services of exchange, “another strong bond of fellowship is effected by mutual interchange of kind services; as long as these kindnesses (*beneficia*) are mutual and acceptable, those between whom they are interchanged are united by the ties of an enduring intimacy.”⁶⁴ The virtues aim to create bonds of relationship which endure and to provide necessary help for members of Roman society.⁶⁵

Valerius Maximus (c. 20 BC-c. AD 50), a patrician aristocrat who wrote during the reign of Tiberius, gives examples of the use of the language of obligation.⁶⁶ Skidmore in his important monograph *Practical Ethics for Roman Gentlemen* notes that Valerius Maximus’s works “advance Valerius’s moral purpose,” “serve as models of conduct” and communicate “various departments of human life.”⁶⁷ Valerius Maximus discusses virtue in the language of obligation,

Distinctions fallen deservedly to individuals would give pleasure to candid minds when placed conspicuously in view, because contemplation of the rewards of virtue

⁶² Cicero, *On Duties* 1.149.

⁶³ Cicero, *On Duties* 1.48; 1.49.

⁶⁴ Cicero, *On Duties*, 1.56.

⁶⁵ Judge, *Rank and Status*, 30. Help was not always gratuitous and benevolent, but often obliged in stratified circles of friendship, politics, and social practice (30-31).

⁶⁶ Valerius Maximus, *Memorable Sayings and Doings* 8.15. Clive Skidmore, *Practical Ethics for Roman Gentlemen: The Works of Valerius Maximus* (Exeter: University of Exeter Press, 1996), xv. See also V. Henry T. Nguyen, *Christian Identity in Corinth* (Tübingen: Mohr Siebeck, 2008), 58-60. Nguyen discusses Valerius Maximus, *exempla* and *persona* in relation to virtue.

⁶⁷ Skidmore, *Practical Ethics for Roman Gentlemen*, 53. Skidmore highlights rhetoric and its use of examples (*exempla*) to portray the Roman “good man” and the failures of men, while sketching the virtue and non-virtue of particular Romans in their moral conduct and immoral misconduct. Skidmore connects conduct, obligation, and their relationship to virtue through *exempla*.

and of its works is equally pleasing; for Nature herself gives us good cheer when we see honour strenuously sought and gratefully paid. But although the mind at this point is carried by its every impulse straight to the house of Augustus, a temple most beneficent and most honoured, it will better be held in check, since to him for whom ascent to heaven lies open earthly tributes, no matter how great, are still below his desert.⁶⁸

Augustan honour and its pursuit are pivotal to Roman conduct. Valerius Maximus shows the relationship of virtuous honour to Augustus's new order with an emphasis on "the ideologically correct behaviour of a society's subordinate members" in "stories that celebrate social concord."⁶⁹ His "ethical claims are the encouragement of virtue and the deterrence of vice."⁷⁰ Valerius Maximus's mention of honour, gratitude, benefits, and rewards combines to indicate a behavioural path of personal obligations both to and from Augustus. Virtue in the Roman mind dictated behaviour which implied certain obligations.

The Greek historian Dionysius of Halicarnassus (c. 60-7 BC) illustrates virtue (ἀρετή) and obligation in Tullus's speech, "Our chief magistrates and membership in the senate are held and other honours among us are enjoyed, not by men possessed of great fortunes, nor by those who can show a long line of ancestors all natives of the country, but by such as are worthy of these honours; for we look upon the nobility of men as consisting in nothing else than in virtue."⁷¹ He also speaks of Julius Caesar whose authority, dignity, honour and "house became the greatest and at the same time the most illustrious of any we know of, and produced the most distinguished commanders, whose virtues were so many proofs of their nobility."⁷²

The language of obligation in its Roman nuances interlinks the vocabulary of virtue as honour. J. E. Lendon, *Empire of Honour: The Art of Government in the Roman World*

⁶⁸ Valerius Maximus, *Memorable Sayings and Doings* 8.15.

⁶⁹ Martin Bloomer, *Valerius Maximus and the Rhetoric of the New Nobility* (Chapel Hill: University of North Carolina Press, 1992), 56.

⁷⁰ Skidmore, *Practical Ethics*, xvi.

⁷¹ Dionysius of Halicarnassus, *Roman Antiquities* 3.11.5.

⁷² Dionysius of Halicarnassus, *Roman Antiquities* 1.70.4.

designates Rome as an “empire of honour.”⁷³ He observes the possessors of honour in Roman society exerted power and influence, stating,

By virtue of this honour, an illustrious man was capable of influencing the conduct of those around him. He could get his way by praising or blaming; the mere fact of his honour made others defer to him; by virtue of his honour he could get his way by participating, to his profit, in the exchange of reciprocal favours. The strength, social significance, and complex interplay of these methods is a function of the two-fold composition of Graeco-Roman honour, of its being attributed both by the aristocratic community as a whole and by individual aristocrats. Persons of great distinction could simply honour those whose conduct they liked, while dishonouring those whose conduct they disliked, and others’ expectation of such treatment would drive them to obey these great men’s wishes.⁷⁴

Virtuous Roman honour was inextricably connected to the language, practice, and relationship of obligation in society. Having noted this, it is necessary to view the outcropping of virtue and honour by looking at specific *mores* relative to Rome’s obligation society.

3. *The Formal Bond of Society*

As has already been suggested, Roman obligation was a broadly accepted concept that constituted the fabric of society. Although complex, the relationships required ‘virtue’ and common social agreement for relationships to remain amiable and to bear influence upon the wider spectrum of social control in the *Pax Romana*. If obligation is the bond of society, then the links in the chain of this bond are the formally comprehended and practised ethics of reciprocity which inspire the relationships. While the relationships were cemented by the bond, the ethics of obligation promised a dynamic commodity of exchange, much of which was visual, sometimes verbose, oral, and accepted in the common language and practice of Roman social exchange in the first century. What were those accepted commodities, referred to here as the *mores*, or “customs, morality and the way of life,”⁷⁵ of obligation?

⁷³ J. E. Lendon, *Empire of Honour: The Art of Government in the Roman World* (Oxford: Clarendon Press, 1997), 25-26.

⁷⁴ Lendon, *Empire of Honour*, 55-56.

⁷⁵ G. Woolf, “Becoming Roman, Staying Greek: Culture, Identity and the Civilizing Process in the Roman East,” *Proceedings of the Cambridge Philological Society* 40 (1994): 120.

i. Honour

First, the *mos* of honour (*honestas*) formed the foundational element of ethics in Roman society. Lendon describes this foundational element, “Honour was a filter through which the whole world was viewed, a deep structure of the Graeco-Roman mind, perhaps the ruling metaphor of ancient society.”⁷⁶ Honour became an unspoken, yet identified custom that impacted social relationships on the hierarchical scale of a stratified society. A quest for honour created a society of ambition, greed, and a struggle for power where people were always seeking to climb the social scale. It also created a society with a competitive edge, an edge which spawned political manoeuvring, community tension, circles of friendships, and unspoken rules of conduct evident to all. Judge clarifies the competitive nature of honour: “Essential public works were therefore undertaken at the personal charges of the wealthy, the competition of honour being relied upon to keep the system working.”⁷⁷ The endless cycle of citizens attempting to outperform other citizens to achieve public honour created a tense society of unmitigated ambition.

In society Romans sought honour and an understood role of their places in a system of honour. A Roman looked outward “for confirmation of his own existence and an assessment of his own worth,”⁷⁸ by turning to other people. “The mirror in which each Roman could survey his own honour or shame was held to him by his fellow men.”⁷⁹ Those who had the status of honour expected those inferior to them to glorify and recognize their superior virtuous status. Failure to properly recognize the honourable might lead to open shame or public humiliation. This honour-shame evaluation of self-worth found its social application in obligation.

⁷⁶ Lendon, *Empire of Honour*, 73.

⁷⁷ Judge, *Social Pattern*, 19.

⁷⁸ Florence Dupont, *Daily Life in Ancient Rome* (trans. Christopher Woodall; Oxford: Blackwell, 1989), 10.

⁷⁹ Dupont, *Daily Life*, 10-11.

An array of words related to honour are *honestas*, hinting at a person's reputation,⁸⁰ *honestus*, noble or "clothed with honour,"⁸¹ or "of honorable conduct, morality, virtue,"⁸² and *honestiores*, denoting the status of the "distinguished" who by virtue of their position on the social scale received special privileges under the purview of the law.⁸³ Each of these word forms of honour reinforces the role of obligations. A code of honour provided social distinctions that were clearly recognized in Roman society.

The complexity of honour and the shame-evaluation mirror resulted in an ideal goal for Romans, *i.e.* becoming "the good man."⁸⁴ The ideal of a good man came from the time of Homer.⁸⁵ Skidmore explains how "example," a rhetorical device for older men teaching the younger men, was held forth in Roman society.⁸⁶ Skidmore also writes, "An educational practice dependent upon such a concept is a product of a particular kind of society, in which imitation and competition were closely connected, and the aim of success was to triumph over one's rivals."⁸⁷

In *The Iliad* advice is given as a teaching example, "Always to excel, out-topping all the rest."⁸⁸ Skidmore allows, "The ideal value to which everything must be sacrificed in Homeric society is *arête* (ἀρετή), and glory is the recognition of it by one's fellow warriors."⁸⁹ This idea was transferred to the first century BC where Seneca the Younger (4 BC - AD 65) aligned it closely with benefaction, "The best man is he who gives readily, never demands any return, rejoices if a return is made, who in all sincerity forgets what he

⁸⁰ "Introduction," *Cicero: On Duties* (ed. M. T. Griffin and E. M. Atkins; Cambridge: Cambridge University Press, 1991), xlv-xlv.

⁸¹ "Honestus," *A Latin Dictionary* (ed. Charlton Lewis and Charles Short; Oxford: Clarendon Press, 1879), 861.

⁸² "Honestus," *A Latin Dictionary* (ed. Charlton Lewis and Charles Short; Oxford: Clarendon Press, 1879), 861.

⁸³ Crook, *Law and Life*, 97; A. N. Sherwin-White, *Roman Society and Roman Law in the New Testament* (Oxford: Clarendon Press, 1963), 69.

⁸⁴ Andrew Clarke, *Secular and Christian Leadership in Corinth: A Socio-Historical and Exegetical Study of I Corinthians 1-6* (London: Brill, 1993), 162-69. He discusses "the good man" in the context of Romans 5:7.

⁸⁵ Skidmore, *Practical Ethics*, 3. Maine, *Ancient Law*, 1-5. Maine says, of Homeric influence on the codes of ancient law, "These rudimentary ideas are to the jurist what the primary crusts of the earth are to the geologist" (p. 3).

⁸⁶ Skidmore, *Practical Ethics*, 3-21.

⁸⁷ Skidmore, *Practical Ethics*, 3.

⁸⁸ Homer, *Iliad* 6.208; Skidmore, *Practical Ethics*, 3.

⁸⁹ Skidmore, *Practical Ethics*, 3.

has bestowed, and accepts a return in spirit of one accepting a benefit.”⁹⁰ Seneca the Younger, a Roman Stoic philosopher and statesman, addressed the reciprocal nature of honour and the good man: “To a good man I shall hand back his benefit, to a bad one I shall fling it back; to the former, because I am indebted to him, to the latter, in order that I may no longer be indebted to him.”⁹¹

Cicero speaks also of the reciprocal duty of a good man where obligation bleeds through, “Whether we do the kindness or not is optional; but to fail to requite [repay] one is not allowable to a good man, provided he can make the requital without violating the rights of others.”⁹² The ideal man desired honour as a primary and expected virtue. This masculine vision of virtue created the image of the good man which in turn supplied the duty or actions with respect to the reciprocal nature of obligations. It was virtue to possess honour and to have others cater to it.

Cicero supports honour as indigenous to those with political interests seeking a place in Roman society, “indicating which precepts must be laid to heart by all who look forward to a career of honour.”⁹³ Honour and its accompanying language usage establish *mores* that are linked together by obligations.

“Honour” appears to be connected exclusively to the wealthy, the famous, and élite in Roman society. Could the poor Roman citizen offer anything in a society where status was power and power was status? The poor could offer “honour,” political and social allegiance to their superiors who understood the value of friends in every sector of society.⁹⁴ On the other hand, “The (wealthy) Roman citizen, when called upon to take care of some matter for another person, felt honour-bound to carry out the task entrusted to his charge.”⁹⁵ Lendon

⁹⁰ Seneca, *On Benefits* 2.17.7.

⁹¹ Seneca, *On Benefits* 7.17.2.

⁹² Cicero, *On Duties* 1.48.

⁹³ Cicero, *On Duties* 3.6.

⁹⁴ A. R. Hands, *Charities and Social Aid in Greece and Rome* (London: Thames and Hudson, 1968), 35.

⁹⁵ Zimmermann, *Law of Obligations*, 415.

says that honour “among aristocrats, once acquired, was not a passive possession, like an engraved watch or an honorary degree.”⁹⁶ “Rather, those who had honour were able to exert power in society by virtue of the desire of others for it, and the concern of others not to lose it.”⁹⁷ Honour conferred a social convention of inestimable value and power in the obligations it assembled.

Roman honour among the élite carried with it majesty, “a form of prestige with compulsive force,” which the Romans knew and observed in social practice as majesty or *maiestas*.⁹⁸ MacMullen mentions *maiestas* as the “Romans’s sense of the need to master others: their drive for greatness.”⁹⁹ Valerius Maximus describes *maiestas*,

There is a sort of private Censorship, the majesty of famous men, potent in maintaining its greatness without lofty tribunals or the service of apparitors. It glides up to the hearts of men covered with the adornment of admiration and enters welcome and pleasing. One might well call it a protracted and enviable unofficial office.¹⁰⁰

Valerius Maximus’s discussion of *maiestas* echoes the language of another *mos* such as piety and the language of obligation such as “due honour.”¹⁰¹ The Roman statesman and follower of Stoic philosophy, Cato the Younger’s (95-46 BC) *maiestas* proved so powerful that when he departed from the theatre to avoid seeing an actress undress on stage, “the people followed him as he went out with tremendous applause.”¹⁰² Prestige in honour was not to be refused, for two parties in any relationship knew the relative distinction of conduct, duty, and obligation.¹⁰³ The inferior (weak) honoured the superior (strong), including the display of obedience, reverence, and physical demonstrations of honour such as an inferior uncovering

⁹⁶ Lendon, *Empire of Honour*, 55.

⁹⁷ Lendon, *Empire of Honour*, 55.

⁹⁸ Lendon, *Empire of Honour*, 55.

⁹⁹ Ramsay MacMullen, *Romanization in the Time of Augustus* (New Haven: Yale University Press, 2000), x. As a result of Romanization in the East, conquered populations acknowledged their inferiority and “their position was a result and reward of the Roman’s drive to be acknowledged masters...and when at last the hunger for ‘greatness’ had been achieved, Roman superiors ruled and inferiors submitted in the context of conquest whereby the Romans established Roman architecture, plans, laws, values, virtues, and *mores* in conquered territories” (p. 24).

¹⁰⁰ Valerius Maximus, *Memorable Doings and Sayings* 2.10.1; Lendon, *Empire of Honour*, 55.

¹⁰¹ Valerius Maximus, *Memorable Doings and Sayings* 2.10.2.

¹⁰² Valerius Maximus, *Memorable Doings and Sayings* 2.10.8; Lendon, *Empire of Honour*, 59.

¹⁰³ Lendon, *Empire of Honour*, 59.

his head in the presence of a superior.¹⁰⁴ Honour as a societal *mos* meant that “if a man did more than deference required, that could be an honour; less, an insult.”¹⁰⁵ Honour possessed powerful positive aspects in Roman society, but it could equally have negative, even cruel, implications if improperly demonstrated or refused. Ultimately, honour acted “as a cloak or lubricant to other forms of power.”¹⁰⁶

While honour lubricated power, it was also embedded in the Roman mind from an early age¹⁰⁷ with the concept of authority, that is, *auctoritas*. Romans lived in an aristocratic “opinion-community” where honour, respect, shame, and the unwritten social code of honour and its psychology were “inculcated early, vigorously enforced in the household, and operated for the most part at an unconscious level.”¹⁰⁸ Authority, in Roman terms, “is impressive with moral power.”¹⁰⁹ *Auctoritas* follows a pattern of influence by which “a distinguished man could use it to get others to do his bidding,”¹¹⁰ by which cities responded in civic duties according to Roman law in an effort to unify all subjects under a single set of regulations,¹¹¹ and by which even a judge’s decision in a court of law can be influenced.¹¹² *Auctoritas* fits into the realm of honour and “naturalized into the vocabulary of honour.”¹¹³ Roman honour serves as a foundational Roman *mos* which produced a series of Roman benefactions.

¹⁰⁴ Lendon, *Empire of Honour*, 59.

¹⁰⁵ Lendon, *Empire of Honour*, 59.

¹⁰⁶ Lendon, *Empire of Honour*, 25.

¹⁰⁷ Lendon, *Empire of Honour*, 61.

¹⁰⁸ Lendon, *Empire of Honour*, 61.

¹⁰⁹ Garnsey, *Social Status and Legal Privilege*, 208.

¹¹⁰ Lendon, *Empire of Honour*, 61.

¹¹¹ MacMullen, *Romanization in the Time of Augustus*, 11.

¹¹² Garnsey, *Social Status and Legal Privilege*, 212.

¹¹³ Garnsey, *Social Status and Legal Privilege*, 212. See also Plato, *Gorgias* 484. Plato asserts that one natural right (of power) could be that “the possessions of the inferior and weaker should all belong to the superior and stronger.”

ii. *Beneficium* or *benefaction*

Second, was the *mos* of *beneficium* “which basically means ‘kindness’ or ‘favour,’” according to Saller.¹¹⁴ *Beneficium* was “a purely gratuitous act which, in contrast to an *officium*, did not give the benefactor a right to repayment.”¹¹⁵ “Services” is another way to describe *beneficium*. Flowing from honour are two essential ethical *mores* which are closely tied together: *beneficium* and *officium*.¹¹⁶

Seneca the Younger’s moral essay *On Benefits* specifies such *beneficium*, with Garnsey and Saller noting that it “is not a work of sociology or anthropology, but an ethical treatise about how men ought to conduct themselves in the giving and receiving of favours and services.”¹¹⁷ In such an exchange of services Seneca the Younger states in his moral essay, “Let us make our benefits, not investments, but gifts.”¹¹⁸ Cicero declares that “there is nothing more honourable and noble than to be indifferent to money, if one does not possess it, and to devote it to beneficence and liberality if one does possess it.”¹¹⁹ *Beneficium* kept the right hand open to ways in which it could contribute to a city, to community projects, or to larger Roman society while obligating the receiver.¹²⁰ In a sense, the left hand of the *benefactor* giving *beneficium* also remained open until the obligated entity returned the favour. Seneca detested such an attitude, “The man who, when he gives, has any thought of repayment deserves to be deceived.”¹²¹ “The ideal benefactor was supposed to act without

¹¹⁴ Saller, *Personal Patronage*, 17.

¹¹⁵ Saller, *Personal Patronage*, 19.

¹¹⁶ Reasoner, *The Strong and the Weak*, 176-83. Reasoner discusses the customs of duty, benefits and the role of reciprocity.

¹¹⁷ Peter Garnsey and Richard Saller, “Patronal Power Relations,” in *Paul and Empire: Religion and Power in Roman Imperial Society* (ed. Richard A. Horsley; Harrisburg, Penn.: Trinity Press International, 1997), 96.

¹¹⁸ Seneca, *On Benefits* 1.1.9.

¹¹⁹ Cicero, *On Duties* 1.68.

¹²⁰ Seneca, *On Benefits* 1.3-4.

¹²¹ Seneca, *On Benefits* 1.3-4. For a discussion concerning civic benefactors and their importance to honour see Bruce Winter, *Seek the Welfare of the City: Christians as Benefactors and Citizens* (Grand Rapids: Eerdmans, 1994), 26-40.

thought of what was due him, but this was unrealistic.”¹²² By virtue of the benefaction, the gift given obligated the receiver to return a favour.

Beneficium dramatically influenced the honour which a benefactor received and the obligations it conferred through the public display. Winter writes,

The welfare of the city in the Graeco-Roman world depended on the ongoing contributions of civic-minded benefactors. They paid for the public works from their private resources in order to enhance the environs of their cities and, in time of famine to ensure the supply of grain at cost affordable to every citizen. This was a means of maintaining social order. The epigraphic and literary evidence...demonstrate that there were established conventions for the acknowledgment of benefactors. Rulers praised and honoured those who undertook good works which benefitted the city. At the same time they made conventional promise to honour publicly those who in the future would undertake similar benefactions.¹²³

Benefaction and honour were tightly intertwined. The tight bond wove both the “established conventions” and the “conventional promise” into a web of expected obligations involving the giver, the receiver, and the people of the city.¹²⁴ “Benefactions to a city require considerable wealth, since they would normally include activities such as providing roads or public buildings, adorning public buildings, constructing public utilities, or subsidizing the grain supply in times of shortage, either by bringing ships carrying grain to one’s particular city, or by making grain available for sale at less than the market price.”¹²⁵ “The strength of the obligation was considerable and the social pressure to acknowledge and respond to the *beneficium* extreme.”¹²⁶

While benefaction alerts the mind to charity or philanthropy, the idea of the rich helping the poor, in the Roman world benefaction was a common transaction of power based upon social status. Finley writes, “Normally, generosity was directed to the community,”

¹²² Garnsey and Saller, “Patronal Power Relations,” 96.

¹²³ Winter, *Seek the Welfare*, 26, discusses epigraphic evidence from Ephesus and the island of Cos concerning benefactors (pp. 26–40).

¹²⁴ Winter, *Seek the Welfare*, 26.

¹²⁵ Christopher Bryan, *A Preface to Romans: Notes on the Epistle in Its Literary and Cultural Setting* (Oxford: Oxford University Press, 2000), 35–36.

¹²⁶ Clarke, *Secular and Christian Leadership*, 166.

adding, “not even the state showed much concern for the poor.”¹²⁷ The poor, as weaker members of society, found themselves fulfilling obligations to the benefactor.

Beneficium did not necessarily end when the benefactor died. Part of the arrangement of the terms of benefaction allowed benefactors to pass on to heirs instructions and wishes at death. In essence, *beneficium* “was from a legal viewpoint no more than a gift with an obligation attached.”¹²⁸ Wealthy benefactors with discrete motives quietly set forth arrangements of trust which caused them “to believe that the wider purposes of their gifts could be achieved in perpetuity.”¹²⁹ Obligations related to *beneficium* might endure for years, spinning a cycle of obligations that spanned many generations.

Benefactions and its accompanying societal *mores* formed a link to the Roman social system of duty, response, and reciprocal obligations. Bryan notes the systematic link between honour and *beneficium* in Rome in relationships such as that between a patron and a client, while mentioning the “ethics of benefaction and obligation.”¹³⁰ He observes,

There are the witty (and often cruel) references to the relationships of patrons and clients in Martial (for example, *Epigrams* 1.99, 108; 2.5, 13, 18; 5.44, 47; 10.24; 12.18, 29, 40) and Juvenal (for example, *Satire I*). All point to a system that dominated the entire spectrum of relationships, both private and public, from the relationship of Rome itself with its ‘client’ states to the relationships within each individual household, with the head of the household himself ‘patron’ of all other members-which in practise meant an extended network of wife, children, freedpersons, and slaves. It was a system that included the universal patronal power of the emperor, the power exercised by powerful and aristocratic senators on behalf of their protégés, the protection and gifts they might all offer to their plebeian ‘clients,’ and the virtually unbreakable chains of obligation and duty bound freedpersons to the families that once owned them.¹³¹

This system of *beneficium* served as an indispensable tool of social practice and an ethical obligation for the Romans themselves as they expressed *mores* in their daily lives.

¹²⁷ Finley, *Ancient Economy*, 37-38.

¹²⁸ Hands, *Charities and Social Aid*, 18.

¹²⁹ Hands, *Charities and Social Aid*, 18.

¹³⁰ Bryan, 36.

¹³¹ Bryan, 36.

iii. *Officium* or Duty

Third, was the *mos* of *officium*. The word occurs “in the sense of the performance of an action arising from such a relationship [reciprocal], and as a social and ultimately a moral duty.”¹³² “The Romans themselves recognized *officium* as a basic element in their social relations.”¹³³ Saller implies that *officium* developed rules and regulations “according to a particular category of people (e.g., craftsmen)” which retains an “element of reciprocity.”¹³⁴

Saller writes,

...*officium* entailed an element of reciprocity - thus an *officium* from a patron to a client was possible, just as from a client to a patron. This reciprocal aspect is reflected in the language of debt associated with *officium*: a man receiving an *officium* is often said ‘to owe’ (*debere*) one in return, and the phrase *officium reddere* expresses the idea of acquitting oneself of a debt.”¹³⁵

Officium was the “official” attendance of the client to his patron with a set of obligations.

Legally, Crook appraises *officium* as a “complementary concept” to *fides* (faithfulness), as a kind of “mutual serviceableness” in relationships.¹³⁶ *Officium* maintained a sense of dutiful decorum, yet could obligate a weaker person to a stronger, and/or wealthy person, for a long duration. The dominant class were those who owned land.¹³⁷ Playing the political games, “which involved huge stakes in bribery, bread, and circuses,” meant that citizens often borrowed to release one debt and incur another.¹³⁸ The “vicious cycle” meant that friends borrowed from friends with the end result meaning that debtors rarely escaped debt and that *officium* became the means of exchange to bind the debtor to the creditor.¹³⁹ Once debt was incurred social obligations proved unavoidable.

¹³² Matthias Gelzer, *The Roman Nobility* (trans. by Robin Seager; Oxford: Blackwell, 1969), 67. *Contra* Wayne Meeks, *The Moral World of the First Christians*, 52. He prefers that which is “appropriate,” believing *officia* is “often misleadingly translated ‘duties.’”

¹³³ Saller, *Personal Patronage*, 15.

¹³⁴ Saller, *Personal Patronage*, 15.

¹³⁵ Saller, *Personal Patronage*, 15.

¹³⁶ Crook, *Law and Life*, 94.

¹³⁷ Crook, *Law and Life*, 171.

¹³⁸ Crook, *Law and Life*, 171.

¹³⁹ Crook, *Law and Life*, 171.

As a part of the *officium* friends acted on behalf of friends, even in their absence, referred to as the *negotiorum gestio*.¹⁴⁰ Winter speaks of the “politics of friendship,” “a person’s actions,” and “the reciprocal relations” so basic to friendship in Roman society.¹⁴¹ Hands moves one step beyond reciprocity where he acknowledges that friendships were nourished¹⁴² and maintained by a “considerable number of services essential to comfort and security which could not be bought for money” and that reciprocal services in friendships were “based on the consideration of mutual advantage.”¹⁴³ By mutual advantage Hands does not necessarily mean that the relationship is merely horizontal. It could also be, and was mostly, vertical. “Duty” as a *mos* in Roman society fits into a complex network of friendships and relationships.

iv. Fides or Faith

Fourth, a vital Roman *mos* was *fides*, ‘trust’ or ‘faith’ in the dynamic of exchange. If *officium* and *beneficium* were the exchange of services with certain rights and duties, then *fides* was the bond of loyalty and trust pledged by the transaction. Roman *fides*, in its technical, legal sense, minimized risks in relationships and the ensuing service exchange, especially in friendship, which involved more than simple friendship. Thus *fides* set forth a *mores* of accepted conduct, “if it was in any event of prime concern for the Roman citizen to keep his word, he would certainly do everything in his power to honour a promise given to a friend.”¹⁴⁴ *Fides* secured both transaction and friendship in reciprocal exchange. Security and bonds of irrevocable trust efficiently supply strength to the personal connections made up and down the social scale. Gelzer writes,

¹⁴⁰ Crook, *Law and Life*, 236.

¹⁴¹ Bruce Winter, *After Paul Left Corinth: The Influence of Secular Ethics and Social Change* (Grand Rapids: Eerdmans, 2001), 130, citing B. Rawson, *The Politics of Friendship: Pompey and Cicero* (Sydney: Sydney University Press, 1978), and Saller, *Personal Patronage*, 14-17.

¹⁴² Seneca, *On Benefits* 6.33.1; Richard P. Saller, *Personal Patronage*, 13. Saller says, “*Amicitiae* (friendship) by contrast to love (*amore*) requires the constant nourishment of the new *officia*.”

¹⁴³ Hands, *Charities and Social Aid*, 32-33.

¹⁴⁴ Zimmermann, *Law of Obligations*, 115.

The entire Roman people, both the ruling class and the mass of voters whom they ruled, was, as a society, permeated by the multifarious relationships based on *fides* and on personal connections, the principal forms of which were *patrocinium* in the courts and over communities, together with political friendship and financial obligation. These relationships determined the distribution of political power. To maintain their rights citizens and subjects alike were constrained to seek the protection of powerful men, and the beginner in politics had need of a powerful protector to secure advancement.¹⁴⁵

The connections, both personal and political, some motivated because of advantage and others from disadvantage, gave rise to the critical nature of trust in obligations. Why would the disadvantaged break the bond of trust and risk losing protection? Why would the advantaged break the bond of trust and risk losing the valuable power of friendship? Even the advantaged of Roman society knew the power of a network of trusted friends bound by good faith (*fides*), if for no other reason than as a voting block at the time of elections. To break the bond of *fides* would have personal and powerful negative repercussions.

Cicero further completes thoughts of *fides* as a sense of trustworthiness and faithfulness related to justice. Cicero says that “the foundation of justice is good faith [*fides*], that is, truth and fidelity to promises and agreements.”¹⁴⁶ Roman law and justice strove toward “simplicity and clarity,”¹⁴⁷ with *fides* providing a moral quality which was related to a person’s status, “aimed at credibility” in nurturing the relationship, and tied relationships together.¹⁴⁸ In relationships the Romans knew that *fides* “demanded that a man kept his word, no matter what form it was given.”¹⁴⁹ “Characteristic of Roman fidelity is the strictly binding nature of an agreed upon contract of obligation.”¹⁵⁰ A lack of fidelity, or faithlessness, “was

¹⁴⁵ Gelzer, *The Roman Nobility*, 139.

¹⁴⁶ Cicero, *On Duties* 1.23.

¹⁴⁷ Schultz, *Principles of Roman Law*, 79.

¹⁴⁸ Skidmore, *Practical Ethics*, 87.

¹⁴⁹ Schultz, *Principles of Roman Law*, 224.

¹⁵⁰ Schultz, *Principles of Roman Law*, 225.

in their eyes a social blot.”¹⁵¹ Ultimately, for the Romans, to practise *fides* in social relations and “to be faithful” is one of their standard principles of life and survival.¹⁵²

v. *Pietas* or loyalty

Fifth, another *mos* was *pietas*, known as “devotion,” also akin to loyalty and *fides*. An intimacy of relation flows from the idea of *pietas*. Romans viewed its origins in the household code. While not limited to households, where family members demonstrated *pietas* toward the father (*patria potestas*), the endearing term reflects a closeness in the social cohesion of a given relationship. In Roman families, power resided with the father, the relationships being “almost wholly asymmetrical,” with “the obligation of obedience imposed on the rest of the household and underwritten by the core value of *pietas*.”¹⁵³ Transferred from the household code into the daily function of conduct in Roman society, *pietas* served as the key virtue of social respect whereby all persons living in the Roman empire, citizens and aliens, Gentiles and Jews, *urbs* and *plebs*, *honestiores* and *humiliores*, practised some form of *pietas* in both their own distinctive lifestyle and conduct.

Pietas, like other *mores*, became difficult to define narrowly in terms of social practice. Judge asserts lack of clarity surrounding *pietas*, “...there is no systematic theory of social obligation expounded, or at any rate none that is obviously consistent from one writer to another, the subject is of very great concern to them.”¹⁵⁴ *Pietas* possesses no systematic theory which has been developed and, yet, like the writers, was of great practical and ethical importance to most Romans. The aspect of *pietas* and its accompanying “bond of duty,” led family members to take serious steps of devotion, including such concern for making

¹⁵¹ Schultz, *Principles of Roman Law*, 224.

¹⁵² Schultz, *Principles of Roman Law*, 223.

¹⁵³ Saller, *Patriarchy, Property and Death*, 102.

¹⁵⁴ Judge, *The Social Pattern*, 72.

preparation for the burial of relatives.¹⁵⁵ Clients and associations practised the same kind of devotion of duty with respect to preparing for the burial of their members.¹⁵⁶

Hands suggests that the wealthy demonstrated *pietas*, not in the sense of caring for the poor, but as “a sense of duty for the extended family of the city.”¹⁵⁷ The *pietas* of obligation influenced the families, the business partners, and the city with great magnitude so that a sense of dignity returned to those demonstrating *pietas*. The wealthy acted in accordance with status and forever responded to obligations by “conforming to a code of ethics based on *pietas, fides, reverentia, and amicitia*.”¹⁵⁸

Saller makes a salient point when he says that the emphasis on *pietas* “is on duty rather than affection or compassion.”¹⁵⁹ He also describes *pietas* as “a virtue displayed primarily toward a higher power, whether it be the gods, the fatherland, or parents.”¹⁶⁰ *Pietas*, for all its value as a virtue in Roman society, was not at all linked with merciful compassion, but a devotion which aimed to fulfil obligations and, in most cases, those obligations were fulfilled by a weaker person toward a stronger member of society.

vi. Societas or society

Sixth, was the *mos* of *societas* (κοινωνία), that is, society. *Societas* “derived ultimately from the ancient automatic common ownership of family property by undivided heirs.”¹⁶¹ In legal terms, *societas* evoked a “state of consensual contract of partnership.”¹⁶² It illustrates the complexity of relationships and the resulting obligations in partnership. *Societas* can be thought of as “relational fellowship,” partners together for a common cause such as

¹⁵⁵ Saller, *Patriarchy, Property and Death*, 98.

¹⁵⁶ MacMullen, *Roman Social Relations*, 78-79.

¹⁵⁷ Hands, *Charities and Social Aid*, 92.

¹⁵⁸ Zimmermann, *The Law of Obligations*, 415.

¹⁵⁹ Richard Saller, *Patriarchy, Property and Death*, 105; M. O. Lee, *Fathers and Sons in Virgil's 'Aeneid': Tum Genitor Natum* (Albany, New York: 1979) 17-23. Lee “stresses that Aeneas is *pious* because he places duty above feelings of tenderness and compassion” (105 n. 11).

¹⁶⁰ Saller, *Patriarchy, Property and Death*, 105; J. P. Neraudau, *Etre enfant a Rome* (Paris: “Les Belles Lettres,” 1984), 121.

¹⁶¹ Crook, *Law and Life*, 229.

¹⁶² Watson, *The Law of Obligations in the Later Roman Republic*, 125.

commerce and trade, and, according to Winter, “Relationship constituted the essence of *societas*.”¹⁶³ As an example, since agriculture was the basic industry, farmers from the rural countryside, many of them close relatives or friends, would form a *societas* to carry out their business of trade.¹⁶⁴ Craftsmen in *societas*, common in Rome, depended on their patrons to perform their respective crafts.¹⁶⁵ Obligations ensued as “the great man, the tyrant, powerful aristocrat, Hellenistic monarch or Roman emperor, sought out and encouraged the finest craftsmen he could find, to the enhancement of his own reputation, both by the association of his name with great works, and by the portraits he might commission from sculptors, painters, gem-cutters and coiners.”¹⁶⁶ Societies were formed around the slave trade and the business of money lending. The apostle Paul’s tent-making constituted a *societas*. Values, tools, and person-to-person fellowship (κοινωνία/*collegium*) in their simplest terms were shared. The sharing induced a social tie of obligations.

Crook writes, “*Societas* was a consensual, *bona fide* contract.”¹⁶⁷ *Societas*’ primary focus is the pooling of resources, such as money, expertise, supplies, tools, labour, property, or some combination for a “common purpose.”¹⁶⁸ Zimmermann writes, “*Socii*, in the words of [David] Daube, are not bent on getting the most out of each other; they are, in the first place, ‘friends,’ pursuing common interests against third parties.”¹⁶⁹ An important note should be mentioned in Roman law, “unlike sale or hire, it [*societas*] is not a transaction in which parties’ performances are reciprocal.”¹⁷⁰ Does this mean that no obligations were involved? No, it simply means that legally each partner bore responsibility for his “own

¹⁶³ Winter, *After Paul Left Corinth*, 130.

¹⁶⁴ Watson, *The Law of Obligations in the Later Roman Republic*, 126.

¹⁶⁵ Alison Burford, *Craftsmen in Greek and Roman Society* (London: Thames and Hudson, 1972), 124-52.

¹⁶⁶ Burford, *Craftsmen in Greek and Roman Society*, 125.

¹⁶⁷ Crook, *Law and Life*, 229.

¹⁶⁸ Zimmermann, *Law of Obligations*, 451.

¹⁶⁹ Zimmermann, *Law of Obligations*, 451; David Daube, “*Societas* as Consensual Contract,” 6 (1938): *Cambridge Lord Justice*, 391.

¹⁷⁰ Zimmermann, *Law of Obligations*, 451.

acquisitions and contracts accrued to and bound only to himself.”¹⁷¹ Strictly speaking, this was a legal determination, but *societas* still construed obligations of loyalty and gratitude, if nothing else.

It appeared that *societas*, then, formed a bond between partners of common interest or trade, but it also had meaning in the grander scale of Roman social distinction and conduct in society. Cicero speaks of these bonds of relation man to man. He writes,

Again, that wisdom which I have given the foremost place is the knowledge of things human and divine, which is concerned also with the bonds of union [*societas*] between gods and men and the relations of man to man. If wisdom is the most important of the virtues, as it certainly is, it necessarily follows that that duty [*officium*] which is connected with the social obligation is the most important duty.¹⁷²

Cicero’s use of the language of law here proves of great value in understanding first century BC conduct. Used apart from its basic legal constraints, conduct might create chaos.

Connected to Roman law, conduct found meaning and relational interpretation for social cohesion and control. Obligation produced a kind of *societas* where the different strata of society cohered and related. Cicero leaves little to the imagination in terms of obligation as a duty which forms a bond in Roman society as well as to other persons. Obligation in *societas* solidified such relationships by expounding duty.¹⁷³

vii. *Dignitas* or dignity

Seventh, was the *mos* of *dignitas*, or “dignity.” In Roman law *honestiores* and *humiliores* became legal definitions used to make judgments in courts.¹⁷⁴ Once these legal distinctions had been made, then other considerations in regard to status followed. One consideration was *dignitas*,¹⁷⁵ a term best defined as “worth or rank.”¹⁷⁶ Zimmermann sees it as a legal term

¹⁷¹ Crook, *Law and Life*, 230-1.

¹⁷² Cicero, *On Duties* 1.153.

¹⁷³ Cicero, *On Duties* 1.153.

¹⁷⁴ Ramsey MacMullen, *Changes in the Roman Empire: Essays in the Ordinary* (Princeton: Princeton University Press, 1990), 192.

¹⁷⁵ MacMullen, *Changes*, 192.

¹⁷⁶ MacMullen, *Changes*, 193.

“comprising all rights of personality.”¹⁷⁷ MacMullen views this relation of power as one of the “ordinary inducements to obedience by people who enjoyed ‘clout.’”¹⁷⁸

Dignitas is best understood through the window of a narrative account of Julius Caesar. He “plunged the Roman world into war to protect his own affronted *dignitas*,”¹⁷⁹ so that after crossing the Rubicon in January 49 BC he wrote to his troops to qualify his motives:

‘As for myself,’ he said, ‘I have always reckoned with the dignity [*dignitas*] of the Republic of first importance and preferable to life. I was indignant that a benefit conferred on me by the Roman people was being insolently wrested from me by my enemies.’¹⁸⁰

Dignitas was something worthy to be protected at all costs. MacMullen prefers an energetic concept, a *dignitas* which “sounds like an active quality.”¹⁸¹ This active aggression is seen again when Caesar plans to attack his enemy, Ambiorix, “and, in despair of being able to bring the frightened fugitive into his power, he deemed it the best thing, out of regard for his own prestige [*dignitas*], so completely to strip his territory of citizens, buildings, and cattle as to make Ambiorix hated by his subjects who might have a chance to survive...”¹⁸²

MacMullen adds, “What Caesar wants to assert through total war is a certain perception of himself, the same perception that Cicero values. He must be seen as capable of ruthless and effective action.”¹⁸³ *Dignitas*, when invoked, could be used to one’s advantage and, when ignored, could be brutally punishing.

Cicero who supports such indignation, while speaking of the protection of friends and the duty to repay when an attack is launched, says, “They are performing a duty, they are defending their friends, they act as men of spirit are wont to act; when injured they are

¹⁷⁷ Zimmermann, *Law of Obligations*, 1084.

¹⁷⁸ Zimmermann, *Law of Obligations*, 190.

¹⁷⁹ Martin Goodman with Jane Sherwood, *The Roman World: 44 BC-AD 180* (London: Routledge, 1997), 28.

¹⁸⁰ *Caesar: The Civil Wars* 1.9, 17.

¹⁸¹ MacMullen, *Changes*, 192.

¹⁸² *Caesar, The Gallic War* 8.24.

¹⁸³ MacMullen, *Changes*, 193.

indignant, when angry they fly out, when challenged they fight.”¹⁸⁴ *Dignitas* commanded response in daily relationships of obligation depending on whether you were comrade or enemy, friend of foe, or of a higher or a lower class. Regardless, it was an emotionally charged precept.

Dignitas was recognized in courts, on roads, in public places, in clothing, and as a Roman way of life among people “of all classes, of all pursuits, and of all kinds.”¹⁸⁵ Croom suggests the visual aspects of *dignitas* in public places with the upper classes in discussing their clothing, “The upper classes would not have appeared in public wearing their tunics unbelted, unless attending a funeral or a court case or some other occasion when their emotional state would be suitably reflected in a lack of attention to their dress.”¹⁸⁶

Dignitas was also something which always wanted to be kept intact. Cicero warns his political critic, Torquatus, of his temptation not to protect his dignity, “But unless you put some measure of restraint on yourself you will impel me to forget our friendship and think of my own dignity. No one has ever brought suspicion on me whom I did not overturn and overwhelm.”¹⁸⁷ The failure to complete obligations called for an equal and opposite obligation. In the opposite reaction, obligation itself transports the intensity and emotional charge which often incited passionate negative outbursts when the *mores* and the bond of relationship were broken.

In respect to status, *dignitas* is a standing related to personality and honour that one wanted balanced in every circumstance and displayed on all corners of public transport. Ultimately, “only those with *dignitas* were fit to rule, for they also had *auctoritas* [authority].”¹⁸⁸ *Dignitas* engendered obligations not to be refused.

¹⁸⁴ Cicero, *On Behalf of Caelio* 21.

¹⁸⁵ Cicero, *On Behalf of Caelio* 21.

¹⁸⁶ A. T. Croom, *Roman Clothing and Fashion* (Stroud, Gloucestershire: Tempus, 2000), 32.

¹⁸⁷ Cicero, *On Behalf of Sulla*, 46.

¹⁸⁸ Zvi Yavetz, *Plebs and Princeps* (Oxford: Transaction, 1988), 19.

viii. *Gratia* or gratitude

Eighth, was the *mos* of *gratia*, that is, gratitude. Saller differentiates between *gratia* and the corresponding words of *honestas*, *beneficium* and *officium*, by stating that *gratia* differs because “it represents an attitude rather than an action, and basically means ‘goodwill.’”¹⁸⁹ The idea is that *beneficium* or *officium* created a sense of debt whereby it referenced a subject to be “pleasing” to the benefactor.¹⁹⁰ This was not uncommon in the legal obligation of daily life, as such “a benefit may have been transferred as remuneration for certain services rendered by the other party or as a reward for an act of rescue, or the donor may have wished to induce the donor to act in a certain way or to produce a certain result.”¹⁹¹ One very certain result would be to invoke gratitude.¹⁹²

Gratia also speaks of “‘influence’ of the man who is dispensing favours and to whom it is owed.”¹⁹³ *Gratia* fits into the *mores* of kinship with regard to family relationships and with regard to the circle of friendships.¹⁹⁴ It was also a part of the conduct between clients and patrons and governors and provinces, with “one of the expressions of *gratia* was a dedication inscribed on stone.”¹⁹⁵

Cicero attacked Mark Antony in *Philippics*, defending himself in one of his orations of the seriousness of friendship breached and declaring that he had not breached a friendship which they shared when Antony was a youth. The obligations of friendship caused Cicero to view his feud with Antony: “For what word is there in that letter that is not full of civility, of friendliness, of kindness ?”¹⁹⁶ Cicero continues by saying that he did not want to appear

¹⁸⁹ Saller, *Personal Patronage*, 21.

¹⁹⁰ Saller, *Personal Patronage*, 21.

¹⁹¹ Zimmermann, *Law of Obligations*, 478.

¹⁹² Reasoner, *The Strong and the Weak*, 190-194. He discusses obligation, *officia*, *beneficia*, and “obligatory gratitude” or thanksgiving as a function of reciprocal obligations (p. 193).

¹⁹³ Saller, *Personal Patronage*, 21.

¹⁹⁴ Saller, *Personal Patronage*, 24.

¹⁹⁵ Saller, *Personal Patronage*, 165.

¹⁹⁶ Cicero, *Philippics* 2.9.

opposing the favour [*gratia*] won in the bonds of friendship.¹⁹⁷ In a few lines Cicero connects the obligations of friendship, benefits, and gratitude as necessary for relationship and as a means of defence. Konstan writes, “Hence it was Antony who breached the *amicitia*, and what is more did so by trading in *beneficia* and *gratia*-the coin of personal relations-of a dirty and proper sort.”¹⁹⁸ The passion with which Cicero writes indicates the powerful convention supplied by *gratia*. There seemed to be no way to divorce *gratia* from either *beneficia* or *amicitia* in Roman social relations. *Gratia* became an irrevocable ethic in the cohesive social aim of Roman obligation.

Finally, a host of other *mores* might be listed, each as a means to ensure that *Pax Romana* might continue to endure in the world of the first century. Some are: *clementia* (pardon), *iustitia* (justice), and *libertas* (liberty).¹⁹⁹ These *mores* were also a key to maintaining obligations’ core focus of “reciprocity and social cohesion”²⁰⁰ throughout Roman society.

Cicero goes to great lengths to emphasize the duties of obligation.²⁰¹ Perhaps he summarizes best the essential *mores* of obligations as rules for conduct in Roman society when he says, “From all this we conclude that the duties [*officia*] prescribed by justice [*iustitia*] must be given precedence over the pursuit of knowledge and the duties imposed by it; the former concern the welfare of our fellow men; and nothing ought to be more sacred in men’s eyes than that.”²⁰² For Cicero intelligence was not the key to success, much less survival in Roman society, but rather the completion of obligations and duties woven into the fabricated *mores* and bonds of reciprocal relationships.

¹⁹⁷ Cicero, *Philippics* 2.9.

¹⁹⁸ David Konstan, *Friendship in the Classical World* (Cambridge: Cambridge University Press, 1997), 127.

¹⁹⁹ Henry C. Boren, *Roman Society: A Social, Economic, and Cultural History* (Lexington, Mass.: D. C. Heath, 1977), 150.

²⁰⁰ Saller, *Personal Patronage*, 69.

²⁰¹ Cicero, *On Duties* 1.53-7.

²⁰² Cicero, *On Duties* 1.155.

4. Conclusions

In this chapter the *mores* of Roman society have been shown. Roman virtue was a key aspect of Rome's obligation society. Virtue demanded that a person fulfil obligations and duties to maintain honour, loyalty, dignity and other *mores* as pivotal to relationships. The quintessential "good man" and the virtuous ideal of the good man are connected to the Roman ideology of obligation. The *mores* serve as an invisible, yet clearly understood set of principles in the Roman way of life. They were practised daily, openly, and in relationship connecting people like a complex spider web. Apart from the *mores* of Rome's obligation society Roman society would not have functioned as smoothly.

Critical to the *mores* in Roman social relations was the concept of Roman honour. Equally important to Roman social relations were the concepts of giving and receiving, *beneficium* and *officium*, and the dignity, trust, and sacredness of obligations associated with reciprocal exchange in relationships. This finds meaning in the *mores* of obligation, apart from which Rome's obligation society would not have achieved *Pax Romana* nor an ordered society which functioned with a high degree of complexity, but also fluidity. Order in the structure of Roman society made the complexity somewhat sensible and gave rise to fluid relationships in the understood hierarchy of Roman culture of politics, household (*domus*), and society (*societas*). The structure of Rome's obligation society, its hierarchical pattern, reciprocal relations and influence in the first century, will be discussed in the next chapter.

Finally, understanding the *mores* as an aspect of obligation in relation to Paul's solution for resolving conflict between the strong and the weak is important. The *mores* of duty, benefits, honour, and gratitude will be discussed in chapter 8.

Chapter 3: The Hierarchical Pattern of Rome's Obligation Society

Introduction

It has been shown how the *mores* of Roman society influenced action and conduct.

Roman law and the *mores* of society combined to spur obligations. The Roman law of obligations and the *mores* functioned in society under a pattern of social hierarchy in clearly defined relationships.

This chapter formulates an understanding of obligation for social relationships in the first century. Fundamental to Paul's use of obligation as his readers understood it was the web of social patterns forming relationships. Each citizen and non-citizen in Roman society fits into a particular group that followed an already established social pattern. Lendon states, "Roman government was at its most effective when official hierarchies recapitulated the social hierarchy, when lawful authority, the ability to coerce, and the preponderance of honour lay in the same hands; when this was not the case Roman government worked less well."¹ Roman law accentuated social distinction "in the spirit in which the law" was administered.²

Government and law, however, merely skim the surface of the Roman empire, for common social practice identified rank and status in everyday Roman life. As previously noted, even clothing worn in public distinguished between the élite and the non-élite. A key to understanding these distinctions and social arrangements relates to the *princeps* and Augustus' alignment of social priority. The Roman senate officially recognized Augustus as *pater patriae* in 2 BC, an "extraordinary position"³ foundational to society. The purpose of this chapter is to discuss the social hierarchy of Rome's obligation society.

¹ Lendon, *Empire of Honour*, 222; Reasoner, *The Strong and the Weak*, 45-63. He discusses such key elements of hierarchy as status, hierarchy in a stratified society, social ideology and social theory.

² Garnsey, *Social Status and Legal Privilege*, 3.

³ Wilfried Nippel, *Public Order in Ancient Rome* (Cambridge: Cambridge University Press, 1995), 87.

In order to demonstrate the hierarchical pattern of society structured on obligations this chapter will discuss: (1) A *rationale* for hierarchy in light of Roman obligation; (2) the role of *princeps* in the social pattern and social order; (3) Roman status and order (*ordo*) as a marker of social distinction between citizens and non-citizens in society and the hierarchical pattern in Roman society as the basic foundational tool of social convention; (4) the obligations required in reciprocal relations engendered from status and *ordo* with reference to the priority of reciprocity from the weak to the strong; (5) the role of *paterfamilias* as vital to the legal and practical role of the hierarchy; and (6) the first-century social hierarchy at work with an insight into anti-Semitism.

1. A Rationale in Light of Roman Obligation

Paul's use of ὀφείλομεν in Romans 15:1 suggests an obligation that "denotes sometimes the right, sometimes the duty, but more properly it denotes the whole relationship."⁴ The rights, duties and relationships that produced obligations in Roman society were filtered through an oligarchical society made a clear distinction between social classes.⁵ Crook says of the distinction, "It perpetuated enormous differences in wealth and social power, and the upper class which determined its legal rules enshrined them in a code of values relevant to itself which cannot automatically be assumed to have been equally relevant to the lives and habits of the mass of people."⁶ The legal rules became a source of obligation on which Roman daily life functioned.⁷ Parkin and Pomeroy add, "'An essential feature of the Roman world is the importance of hierarchies...it was essential to fit in to a social group in order to gain assistance from one's peers and to facilitate patronage connections with those more powerful."⁸ Roman society "took for granted the idea that different

⁴ Nicholas, *Introduction to Roman Law*, 158.

⁵ Crook, *Law and Life*, 10.

⁶ Crook, *Law and Life*, 10.

⁷ Parkin and Pomeroy, *Roman Social History*, 3; Mousourakis, *A Legal History*, 124.

⁸ Parkin and Pomeroy, *Roman Social History*, 3.

people had different value.”⁹ The Roman legal system itself “recognised or created a variety of inequalities.”¹⁰ Still, the distinctions accentuated personal differences and the inequalities reinforced the social hierarchies. “All of these distinctions produced a different set of rights.”¹¹ The distinctions and hierarchies generated obligations of all kinds.¹²

Paul’s discussion concerning Romans 14:1-15:13 presupposes both class distinction and hierarchy at work in the Christian community at Rome. From this presupposition it is suggested that an investigation of the hierarchical pattern of Rome’s obligation is necessary.

2. *The Essential Element in Obligation: Princeps*

Historically, the primary induction of hierarchy into Roman society belongs to the Greek value of praise and honour found in the days of Homer, according to Andrew Clarke.¹³ The quest for praise and honour created an oral tradition which influenced societal *mores* in ancient Greece. However, the primary visual definition of hierarchy and the solidification of hierarchy as status in Roman society came through the role of Augustus. Alföldy highlights this key perception:

The consolidation of the imperial monarchy from Augustus onwards completed the social system in a clear manner. In the person of the emperor and imperial house the social hierarchy gained a new summit, supervening the old apex of the social pyramid-the small circle of oligarchic families at each other’s throats. From Augustus onwards there were no longer several *principes civitatis* with their *factiones*, as in the Republic, but only one *princeps* of the Senate and of the people, and of the whole *genus humanum*. His leading position was founded upon the factors which had secured social pre-eminence from time immemorial - power, prestige, and wealth.¹⁴

⁹ Riggsby, *Roman Law*, 77.

¹⁰ Riggsby, *Roman Law*, 77.

¹¹ Riggsby, *Roman Law*, 77.

¹² Crook, *Law and Life*, 36-67.

¹³ Clarke, *Secular and Christian Leadership*, 23.

¹⁴ Géza Alföldy, *The Social History of Rome* (trans. David Braund and Frank Pollock; rev. ed.; Baltimore: John Hopkins University Press, 1985), 99.

From the days of Homer to Augustus, hierarchical stratification in Roman society produced a series of agreed *mores*.

Rostovtzeff in *The Social and Economic History of the Roman Empire* acknowledges the “divergence of opinion among scholars about the character and significance of the activity of Augustus.”¹⁵ Whether Augustus was a revolutionary or a reformer remains open to debate, but one concept that finds agreement among historians is that Augustus began “a new history in the ancient world.”¹⁶ He laid claim as *Imperator Caesar divi filius Augustus*, commander and chief of the Roman army. *Princeps*, which means “founder” and a term “closely aligned with superiority in honour in Republican usage,”¹⁷ hailed Augustus as the first citizen of Rome, establishing him as the foremost citizen with due praise and honour. Rome was a “society of blame and praise,” where praise was the goal in relationships and in the moral life, according to Dupont.¹⁸ *Princeps* was the noblest of relationships. The *princeps*’ position of due praise and honour followed his possession of highest *dignitas*, while he invoked the privileges of such Roman virtues as *virtus*, *iustitia*, and *pietas*.¹⁹ Woolf adds to these virtues *philanthropia* and *paideia*, then describing these two qualities with one word: *humanitas*.²⁰ He says,

But it is clear that by the late first century BC *humanitas* had been formulated as a thoroughly Roman concept, embodying concepts of culture and conduct that were regarded by Romans as hallmarks of the aristocracy in particular, yet also appropriate for mankind in general. *Humanitas* thus distinguished an élite as cultivated, enlightened, humane and so fitted to rule and lead by example, but it also encapsulated a set of ideals to which all men might aspire.²¹

¹⁵ M. Rostovtzeff, *The Social and Economic History of the Roman Empire* (Oxford: Clarendon Press, 1926), 38.

¹⁶ Rostovtzeff, *Social and Economic History*, 38.

¹⁷ Lendon, *Empire of Honour*, 129 n. 111.

¹⁸ Dupont, *Daily Life in Ancient Rome*, 11.

¹⁹ Alföldy, *Social History*, 100.

²⁰ Greg Woolf, *Becoming Roman: The Origins of Provincial Civilization in Gaul* (Cambridge: Cambridge University Press, 1998), 55.

²¹ Woolf, *Becoming Roman*, 55.

Augustus became the embodiment of *princeps*, a set of ideals personifying *humanitas* and an image to imitate.²² His titles and roles supplied him with ample authority to become guarantor of *dignitas* as well as the “guardian of good *mores*.”²³ Notwithstanding, as the guardian of such customs, this gave the *princeps* the right to admit certain persons into both the senatorial and equestrian orders and to expel others from their orders.²⁴

Princeps became the guardian of Augustus’ role as “first citizen,” while the *Res Gestae* served as the printed advertisement of these victorious triumphs in this leading role.²⁵ Bosworth outlines a theory that Augustus’s triumphs, described in his *Res Gestae*, originated from the “Hellenistic ruler cult,” namely, Demetrius Poliorcetes’ naval triumph at Cypriot Salamis; and that Augustus was aware of the “divine honours which the Athenians conferred upon Demetrius before his victory.”²⁶

The *Res Gestae* became a means of propaganda to transport signals of Augustus’s own claim to honour and an affirmation of his “own godlike status.”²⁷ The *Res Gestae* promotes “self-advertisement,” while communicating tones and undertones for the Roman reader, aiming to educate so the reader would grasp the allusion and make a connection between Augustus’ conquests, benefactions and his divine status.²⁸

Networked beneath the words of *Res Gestae* is the powerful demand to honour Augustus as *princeps*. Augustus, in the *Res Gestae*, in the context of transferring power to the senate and to the Roman people, amid laurels on his doorposts, a civic crown given and a golden shield of recognition of his virtue, clemency, justice and piety, says, “After that time I took precedence of all in rank, but of power I possessed no more than those who

²² Augustus, *Res Gestae* 2.8. Two key words follow in succession: *exempla* and *imitanda*. Paul’s use of examples to encourage conduct or imitation is found in Rom 15.

²³ Augustus, *Res Gestae* 1.6-7.

²⁴ Augustus, *Res Gestae* 2.8.

²⁵ Augustus, *Res Gestae* 1.1-7.

²⁶ Brian Bosworth, “Augustus, the *Res Gestae* and the Hellenistic Theories of Apotheosis,” *JRS* vol. 89 (1999):1.

²⁷ Bosworth, “Augustus, the *Res Gestae* and the Hellenistic Theories of Apotheosis,” 1.

²⁸ Bosworth, “Augustus, the *Res Gestae* and the Hellenistic Theories of Apotheosis,” 1.

were my colleagues in any magistracy.”²⁹ Although not ostentatious or obvious to the casual person living in the Roman empire, Augustus quietly demanded honour from those beneath him, allowing that his conquests had provided benefaction without which the empire might not have experienced wealth and tremendous growth.³⁰

The *Res Gestae* from the outset signalled obligation by its discreet use of words. Augustus speaks of his triumphs as the “Deified Augustus” who restored liberty to the Republic. He says, “The number of citizens who bound themselves to me by military oath was about 500,000.”³¹ Shipley translates Augustus’ use of the Latin word *sacramentum* as “bound.”³² The word *sacramentum* can be translated as an oath, but the *Oxford Latin Dictionary* mentions it as both “an oath sworn by both parties...” and “a solemn engagement or obligation.”³³ The oath engaged two parties in a formal relationship of obligation.

Augustus’ role as *pater patriae* was clearly acknowledged by the Romans, that is, citizens responded to *princeps* on the basis of his office, clothing and regalia, as well as seating positions on public occasions. In the theatre and the circus public voices acclaimed Augustus as *pater patriae*.³⁴ Public attestation to Augustus’ status and hierarchy remained critical for persons in Rome.

The *Res Gestae* records several titles granted to Augustus including *pontifex maximus* and *augur*.³⁵ Suetonius mentioned that Augustus wished to show himself a prince who desired public welfare, attributing the words *saluber magis* to Augustus, *i.e.*,

²⁹ Augustus, *Res Gestae* 6.34.

³⁰ Tony Honoré, *Emperors and Lawyers* (London: Duckworth, 1981), 1-24. He argues for the emperor as lawyer, “From Augustus onwards, Roman emperors could expect to spend a great deal of time on legal business. If they did not, they offended public, especially upper class...” (p. 1).

³¹ Augustus, *Res Gestae* 1.3.

³² Augustus, *Res Gestae* 1.3.

³³ “Sacramentum,” *Oxford Latin Dictionary* (Oxford: Clarendon Press, 1982), 1674-75.

³⁴ Suetonius, *Deified Augustus*, 58; Nippel, *Public Order*, 87.

³⁵ Augustus, *Res Gestae* 1.6-8.

“the great one promoting healthy conditions.”³⁶ Although not a title, it does authenticate the desires of Augustus. “These details [titles, etc.] leave no doubt that from a certain moment onward Augustus intended to present himself not only for all the Roman *ordines* alike, but also as that ideal *vir gravis et sanctus*, who had put an end to the feud between social classes and political factions and to the hostile relations between Rome and external nations.”³⁷ Augustus longed to be viewed as one who “raised the Roman people to greatness.”³⁸ Accomplishing this task meant that image was important because it also placed the emperor in the role of a peacemaker.

Garnsey and Saller further explain, “*Princeps* recalls the *princeps civitatis* of Cicero’s *Republic*, who dominates a state by virtue of moral authority rather than physical force or even constitutional office; while *Augustus* suggests an imperial *persona* which is the embodiment of *auctoritas*.”³⁹ As Augustus arranged for the new era in Rome, he “set out to secure for himself a monopoly of military power and glory, establish a legal basis for his control of legions and direction of foreign policy, and build an army that could undertake a programme of continuous warfare.”⁴⁰ Along with these emphases, “the primary goals of the imperial administration were the maintenance of law and order and the collection of taxes to meet military costs and to provide public buildings, entertainments, and handouts in the city of Rome.”⁴¹ Judge completes this idea of authority by acknowledging that Augustus’ plan called for more than mere order, but also an emphasis on the household community’s grand theme of “the priority of personal

³⁶ Suetonius, *Deified Augustus* 42.1.

³⁷ Zvi Yavetz, “Augustus’ Public Image,” in *Caesar Augustus: Seven Aspects* (ed. Fergus Millar and Erich Segal; Oxford: Clarendon Press, 1984), 15.

³⁸ Yavetz, “Augustus’ Public Image,” in *Caesar Augustus*, 13

³⁹ Garnsey and Saller, *The Early Principate*, 3.

⁴⁰ Garnsey and Saller, *The Early Principate*, 8.

⁴¹ Garnsey and Saller, *The Early Principate*, 15.

obligation over public duty.”⁴² Obligations oiled the machinery of Augustan Rome with its ideals and hierarchical pattern.

In addition, *princeps* supplied the Romans with staple goods and food, or more specifically, Augustus served as the grand provider or benefactor. He assumed the title *cura annonae*, which required the emperor to supply corn annually to the registered poor.⁴³ “Those registered for the corn distribution were also entitled to receive occasional gifts of money; with such actions Augustus wished to “symbolize his role as the great patron of the *plebs frumentaria*,” that is, the provider for the poor.⁴⁴ His provision went beyond staple goods. Suetonius says, “He surpassed all his predecessors in the frequency, the variety, and the magnificence of his public shows.”⁴⁵ Augustus in the *Res Gestae* acknowledges his provision, “The expenditures provided for theatrical shows, gladiatorial sports, for exhibition of athletes, for hunts of wild beast, and the naval combat, and his gifts (*donata*/δωρεά) [to colonies in Italy, to the cities in the provinces] which had been destroyed by earthquake or conflagration, or to individual friends (*amici*) and senators, whose property he raised to the required rating, are too numerous to be reckoned.”⁴⁶ This sentence opens windows of meaning to some essential elements to the whole gamut of Roman obligation in social bonds: property (rights); political structure (e.g., “senators”); a two-tiered strata; relationships with respect to friends; and gifts or benefits (*beneficia*). Augustus’ acted as the chief benefactor, bestowing food and entertainment to the masses. In fact, “no ruler ignored his duty to concern himself about the economic position, the livelihood, and the amusement of the urban masses, in doing which he was merely

⁴² Judge, *The Social Pattern*, 2.

⁴³ Nippel, *Public Order*, 85.

⁴⁴ Nippel, *Public Order*, 85.

⁴⁵ Suetonius, *Deified Augustus* 42.1.

⁴⁶ Augustus, *Res Gestae* 4.

fulfilling his obligation and for which he was awarded no prize.”⁴⁷ Honour was the prize, because, “The ultimate fountainhead of all that was good was honour.”⁴⁸

One aim of Augustus to achieve *Pax Romana* was to create an atmosphere of law, order, and privilege on the social ladder whereby citizens and non-citizens of Rome understood their respective roles in society as well as the *Imperator's*. As the chief protector of security and the chief provider of basic needs an unspoken, silent *mores* evolved in social circles. This silent link was the legal concept of obligation, first and foremost an obligation to the *Princeps* with all the rights, the privileges, and the obligations which that entailed. Augustus had providential obligations to the Roman people, too. However, each person on the hierarchical scale stood in a “weak” position when compared to the “strong” Augustus, obligation serving as the key link because the weak were always obligated to the strong in Rome.

3. Status and Hierarchical Patterns

The role of *Princeps* placed value on *mores* akin to maintaining social order. Flowing out of this social order were two key elements of Roman society instrumental to social cohesion: status and order (*ordo*).⁴⁹

As Augustus’ plan for a cohesive society unfolded, he inaugurated status as the supremacy of power and strength. Garnsey and Saller clarify this supremacy, “Augustus’ policy went beyond simple social conservatism; the pattern of social inequality and differentiation continued from the Republic, but innovations now gave distinctions of

⁴⁷ Zvi Yavetz, *Plebs and Princeps*, 105.

⁴⁸ Dupont, *Daily Life in Ancient Rome*, 9.

⁴⁹ Reasoner, *The Strong and the Weak*, 45-63. He discusses the importance of social hierarchy, status and the social differentiation between persons in Roman society based upon status. He highlights terms and language designated for the strong and the weak as well as the social hierarchy in society and the two social “layers” in the Roman church (p. 59). Reasoner also briefly discusses order and class in relation to portraits of the strong and the weak (p. 203-04).

rank a sharper definition,” identified as “social hierarchy.”⁵⁰ The law and life of Rome intermingled, consequently citizens and non-citizens possessed rights and duties (obligations).⁵¹ Crook says, “‘Roman citizen’, therefore, is not just a vague term meaning an inhabitant of the Roman empire, but a precise expression of one particular set of rights and duties.”⁵²

The hierarchical value and status of individuals related to certain rights and privileges, producing a visual orientation of hierarchy in public display. Suetonius explains, “...whenever public show was given anywhere, the first row should be reserved for senators...he separated the soldiery from the people...He himself usually watched the games in the circus from the upper rooms of his friends and freedmen, but sometimes from the imperial box.”⁵³ Augustus, as well as the spectators and other participants in such public events, could scan the audience and see both hierarchical distinction and status displayed in the arrangement of seating.

Flowing from top to bottom, from *princeps* next in line on the social scale would be senators to equestrians to decurions and to plebs. This overly simplifies a system which is remarkably complicated because the stratification of Roman society created a mass of entangled relationships demanding an intricate but understood series of obligated responses. Garnsey and Saller resist focusing upon “class analysis” when discussing the Roman social system, instead deferring to the processes of the social system: law, property rights, and relationships interlinking the hierarchical structure.⁵⁴ Alföldy more clearly states, “The concept of class (in the strict German sense of ‘*Klasse*’) would hardly

⁵⁰ Garnsey and Saller, *The Roman Empire*, 107.

⁵¹ Crook, *Law and Life*, 37.

⁵² Crook, *Law and Life*, 37.

⁵³ Suetonius, *Deified Augustus* 44-45.

⁵⁴ Garnsey and Saller, *The Roman Empire*, 109.

be appropriate for definition of this social system.”⁵⁵ Treggiari says that “being Roman was not a matter of ethnicity but of legal definition.”⁵⁶ Roman law proves foundational to both the strata and the conduct. Strata defined hierarchy which determined obligations correlative to legal rights and duties in the social scale.

Rome as an obligation society organized itself on the basis of a hierarchical strata of “strong” and “weak” demarcations, or, on the social scale, where the weaker possessed duties of obligation and response to the stronger contingent upon the circumstances. The strong possessed duties of obligation to the weak, too, but the strong maintained the greater prestige and privilege. This might be called an organized inequality, a society, according to Cicero, “that puts forth very effort to oblige all sorts of conditions of men.”⁵⁷

Garnsey and Saller say, “The system of acquisition and transmission of property was the basis of the Roman framework of social and economic inequality.”⁵⁸ Saller allows that the power of property, its privilege related to status, and the possibility property ownership increasing the chance of social mobility upward on the social scale was so dominant in the Roman psyche that strategies for property succession resulted.⁵⁹ Entry into the propertied strata became difficult to monitor so the emperors instituted laws concerning properties.⁶⁰ These laws determined duties and obligations.⁶¹ Garnsey and Saller comment, “Inequalities, deriving from uneven property distribution that was confirmed or even accentuated by imperial policies, were underpinned by Roman law.”⁶²

⁵⁵ Alföldy, *Social History*, 149.

⁵⁶ Susan Treggiari, *Roman Social History* (London: Routledge, 2002), 7.

⁵⁷ Cicero, *On Duties* 2.71.

⁵⁸ Garnsey and Saller, *The Roman Empire*, 110.

⁵⁹ Saller, *Partiarchy, Property and Death*, 161-80.

⁶⁰ Garnsey and Saller, *The Roman Empire*, 110.

⁶¹ Garnsey and Saller, *The Roman Empire*, 110.

⁶² Garnsey and Saller, *The Roman Empire*, 110.

Property rights and their ensuing obligations validated the understood social strata, thus “like other aspects of Romanization, worked in favour of the Roman-backed élite.”⁶³

Alföldy discusses the “Orders-Strata Structure and Its Effects” and divides the hierarchical pattern of Roman society into “two unmistakable groups: the upper strata and the lower strata.”⁶⁴ In the upper strata, in descending order, comes the emperor (*imperator*), then the ordinary senators (*ordo senatorius*) then the equestrians (*ordo equester*) then the decurions (*ordines decurionum*).⁶⁵ Typically, these members of the upper strata served as the “strong” of society. The lower strata consisted of *plebs*, primarily the struggling, the poor, and the “weak” members of society, many of whom were indebted and obligated to the “strong.” The strong and the weak as social distinctions on a hierarchical scale advanced in ascending and descending modes of honour, praise, dignity, and other indigenous Roman *mores*, each playing a role in social practice and conflict resolution.

Borkowski mentions “the struggle of the orders,” a clash between the upper (*patricians*) and lower (*plebeians*) strata which created friction as the constitution and the policies developed in the early history of the Republic.⁶⁶ This struggle helped formulate the *Twelve Tables*, making both a “clear statement of law” and correcting the notion that earlier *plebeian* resolutions (*plebiscite*), which proved non-binding to all Roman citizens in the past, especially with reference to debts, would be binding in the future.⁶⁷ Consequently, and instrumental to the thought of obligation binding all strata, “the *plebeians* obtained the important concession that *plebiscita* should bind all Roman

⁶³ Garnsey and Saller, *The Roman Empire*, 110-11.

⁶⁴ Alföldy, *Social History*, 146.

⁶⁵ Alföldy, *Social History*, 146.

⁶⁶ Borkowski, *Textbook on Roman Law*, 4.

⁶⁷ Borkowski, *Textbook on Roman Law*, 4-5.

citizens, and not just *plebeians* although patrician ratification was necessary.”⁶⁸ Two principles emerge from Borkowski’s discussion: a bond united the Romans and “the strong” patricians maintained the upper hand in societal structure using it like a noose around the neck to coerce submission in obligations.⁶⁹

Aligning the strata structures and ranking hierarchical patterns does not solve the complexity of relationships bound to such positions. It is important to ascertain that what appears very complex to the reader about Roman society was clear to the persons living in that society: obligations ensued because of the strata. Relationships required both vertical and horizontal legal obligations and cultural *mores* between the upper and lower strata. Imagine a spider web with Rome at the centre and an unending, expanding, complex network of silk strands connecting both horizontally and vertically, including a hierarchy within a hierarchy, for example, in a Roman household where there was a “sharp hierarchy.”⁷⁰ Romans comprehended this web because of legal definitions with its status and privileges. Garnsey says, “The point to stress here is that they [privileged groups] were publicly recognized or recognizable criteria on the basis of which those privileges could be identified.”⁷¹

The privilege distinctions among groups were viewed by Romans as orders (*ordines*), “divided,”⁷² and beneath the *princeps* stood the superior senators, equestrians, and decurions “with a large and amorphous mass of plebs at the bottom of the hierarchy.”⁷³ “Amorphous” serves as an important word because, while in the words of Cicero, a “descending” social scale was distinct, the conduct of those living in Roman

⁶⁸ Borkowski, *Textbook on Roman Law*, 4-5.

⁶⁹ Borkowski, *Textbook on Roman Law*, 4-5.

⁷⁰ Peter Oakes, *Reading Romans in Pompeii: Paul’s Letter at Ground Level* (Minneapolis: Fortress, 2009), 42.

⁷¹ Garnsey, *Social Status and Legal Privilege*, 235.

⁷² J. A. Crook, *Legal Advocacy in the Roman World* (Ithaca, New York: Cornell University Press, 1995), 85.

⁷³ Treggiari, *Roman Social History*, 46.

society constantly changed based upon situations and personal relationships in a variety of contexts.⁷⁴ The *ordines* helped construct *ordo* in ancient Roman society.

Senators found privilege in respect to Roman law.⁷⁵ Small in number, this was an “exclusive *ordo*,”⁷⁶ one of prestige, which, although not primarily a reward for hereditary aristocracy, Augustus did later promote a “hereditary principle” encouraging their sons to follow their fathers up to three generations.⁷⁷ Visual distinction was given to senators as they openly wore “the broad purple stripe” on their togas, along with sons who often began their political careers in military assignments.⁷⁸

Equestrians formed the second group on the descending scale. They outnumbered senators by the thousands and the majority were marked publicly by “a golden ring and a narrow purple stripe on the toga (*angustus clavus*).”⁷⁹ Equestrians were generally the wealthiest citizens in their respective cities across the Roman empire, while, like senators, they maintained special legal privileges obliged to the office.⁸⁰ Powerful definition of “the strong” was advertised to the masses as *equites* rode horses through Rome and its surrounding cities. Valerius Maximus describes this public display, “The younger members of the equestrian order filled Rome twice annually with a showing (*spectaculum*) of themselves, for which they had high authority.”⁸¹ The equestrian order possessed an “aristocratic ethos” with membership criteria of “high birth, excellence and wealth.”⁸² Like senators, equestrians differentiated between themselves internally, “the

⁷⁴ Cicero, *On Duties* 1.60.

⁷⁵ Garnsey and Saller, *The Roman Empire*, 112-13. See also Cicero, *On Duties* 1.60 where he implied each individual has particular duties as those who must calculate their duty based on their place in society.

⁷⁶ Alföldy, *The Social History*, 115.

⁷⁷ Garnsey and Saller, *The Roman Empire*, 113.

⁷⁸ Suetonius, *Deified Augustus*, 38; Garnsey and Saller, *The Roman Empire*, 113.

⁷⁹ Garnsey and Saller, *The Roman Empire*, 113-114.

⁸⁰ Garnsey, *Social Status*, 240-242.

⁸¹ Valerius Maximus, *Memorable Doings and Sayings* 2.2.9.

⁸² Garnsey and Saller, *The Roman Empire*, 113.

rank conscious Romans would not allow the vast social gap between the greatest and humblest equestrian to go unmarked.”⁸³

Decurions marked the third order. Garnsey and Saller also refer to this order as an aristocratic one, with entrance also requiring the possession of “respectable birth, wealth and moral worth.”⁸⁴ Nippel refers to this order as an auxiliary, a magisterial staff of “well-paid public servants (*apparitores*) organized in corporations (*decuriae*) of scribes, lictors, criers and summoners.”⁸⁵ Petit says, “Their strength comes from their wealth and their feeling of solidarity, which we must not confuse with ‘class consciousness’: they had yet no feeling of being victimized, but were proud to be the ornaments and benefactors [of Rome]...”⁸⁶ Decurions also incorporated an internal stratification system.⁸⁷

The upper strata comprised of the emperor, senators, equestrians, and decurions, while the *plebs* formed the lower strata. The *plebs* population was widely diverse “even more heterogeneous than that of the upper strata.”⁸⁸ Yavetz sketches a mosaic of manumitted slaves, freedmen, Latins, Italians, Greeks, Asians (especially Syrians), Egyptians, Illyrians, and Gauls.⁸⁹ The diversity accentuates the complexity of mixed ethnicity, customs, and the challenge of social control. It also communicated the need for an understood plan for conserving social relationships and conflict resolution.

The *plebs* worked mostly in rural areas in agriculture, although a minority worked in the urban areas as craftsmen and traders.⁹⁰ Often the upper strata entered into legally

⁸³ Garnsey and Saller, *The Roman Empire*, 114.

⁸⁴ Garnsey and Saller, *The Roman Empire*, 114.

⁸⁵ Nippel, *Public Order*, 12.

⁸⁶ Paul Petit, *Pax Romana* (trans. James Willis; London: B.T Batsford, 1976), 95.

⁸⁷ Alföldy, *Social History*, 129.

⁸⁸ Alföldy, *Social History*, 133.

⁸⁹ Yavetz, *Plebs and Princeps*, 8.

⁹⁰ Yavetz, *Plebs and Princeps*, 99.

binding relationships with the *plebs*.⁹¹ Garnsey and Saller say, “A plethora of informal relationships between individual neighbours and work associates have largely gone unrecorded.”⁹² The sophistication of the web of relationships and emanating obligations appear innumerable. Tacitus speaks of the condition of Rome, mentioning elements of strength and weakness, then proceeding to discuss the response of senators and equestrians to the death of Nero.⁹³ In his discourse, he specifies “the common people and those attached to the great houses [of the upper strata].”⁹⁴ He continues, “The lowest classes (*plebs sordida*), addicted to the circus and theatre, and with them the basest slaves, as well as those men who had wasted their property, and to their shame, were wont to depend on Nero’s bounty, were cast down and grasped at every rumour.”⁹⁵

Three elements of Roman society stand out in Tacitus’ words: a division between the strong and the weak; a system of relationships requiring obligations; and a condescending tone toward the *plebs*. This might also explain why Tacitus sometimes referred to the *plebeian* crowd or masses as vulgar (*vulgus*).⁹⁶ Their dependence did not mean they played an insignificant role in society. Lendon refers to the urban *plebs* as “not just a beast to be placated, but an important prop to imperial rule.”⁹⁷ Lendon adds, “It was commonplace to rank it, alongside the army and aristocracy as an essential imperial constituent.”⁹⁸ Alföldy says, “Nor should the low social status of the *plebs* of the city be misjudged, although the *plebs* occasionally appeared a political power factor as late as the beginning of the Empire.”⁹⁹

⁹¹ Garnsey and Saller, *The Roman Empire*, 156.

⁹² Garnsey and Saller, *The Roman Empire*, 156.

⁹³ Tacitus, *Histories* 1.4.

⁹⁴ Tacitus, *Histories* 1.4.

⁹⁵ Tacitus, *Histories* 1.4.

⁹⁶ Tacitus, *Histories* 2.90; Tacitus, *Annals* 15.44.

⁹⁷ Lendon, *Empire of Honour*, 120.

⁹⁸ Lendon, *Empire of Honour*, 120; Dio Chrysostom, *Discourses* 1.28-30.

⁹⁹ Alföldy, *Social History*, 106.

Visual aspects in Rome communicated the low standing of the *plebs*. They lived in Rome in the slums, often in *insula*, “large apartment buildings with no water or sanitary facilities, always in danger of fire and occasionally of collapse.”¹⁰⁰ The urban *plebs* could be described because of writings from Cicero who lived in Rome, but “the conditions of rural society are much less well known.”¹⁰¹

Two important components to the *plebs* role in Roman society are slavery and the *collegia*. Boren talks about slavery saying,

The most important impulse for continuing change in the cities population related to one institution-slavery-and to a liberal policy of the Romans connected with it: slaves were often freed, and freed slaves were made Roman citizens. The first generation of freedmen retained legal obligations to their former masters and could not stand for office; in the next generation they had full privileges of citizenship. They were viewed as social inferiors by citizens of freeborn ancestry.¹⁰²

Slavery reinforced social distinction as they generally represented the lower strata “bottom heap” of the weak in society.¹⁰³

The *collegia* or associations form a most interesting picture of obligation with their stratification. The *collegia* were “made up of a few score or few hundred urban residents” and “were essentially mutual aid societies formed to meet basic needs of their members.”¹⁰⁴ These involved licensed bakers, guilds of miners, shippers, merchants, craftsmen and the most common association, the burial associations organized around cult deities which provided for proper burial of its members upon death.¹⁰⁵ Crook says that they were subject to “much controversy in the right of free association in Rome,” while explaining that membership often involved fees, obligations to each other, and social

¹⁰⁰ Henry C. Boren, *Roman Society: A Social, Economic, and Cultural History* (Lexington, Mass.: D. C. Heath and Co., 1977), 128.

¹⁰¹ Boren, *Roman Society*, 132.

¹⁰² Boren, *Roman Society*, 127.

¹⁰³ Garnsey and Saller, *The Roman Empire*, 117.

¹⁰⁴ Garnsey and Saller, *The Roman Empire*, 156.

¹⁰⁵ Garnsey and Saller, *The Roman Empire*, 156-57.

gatherings.¹⁰⁶ Garnsey and Saller add, “Though these *collegia* were associations of humble men, they still exhibit some of the hierarchical features so characteristic of Roman society.”¹⁰⁷ Clearly, the tangled web of relationships developed into a more complex tangled web. The *collegia*, in their weak social status, succumbed to those of higher status, namely, the strong.¹⁰⁸

There are other ways to describe the hierarchical differences: the inferior and the superior, or the *humiliores* and the *honestiores*. Every person in Rome knew his or her place in society, the strong “paraded” their superiority and the weak “humble masses” on the bottom of the social scale daily found their inferiority reinforced.¹⁰⁹

4. *Reciprocal Relations and Patronage*

The Roman law of obligations, the *mores* of those laws, and the social practice of hierarchical status which lead to inequality, all worked in concert to produce reciprocal relationships in social management. Relationships by their very nature in Roman society “set up a chain of obligations.”¹¹⁰ When first-century Christians became a part of a local church body, this did not preclude their external obligations in the wider Roman society.¹¹¹ In reality, the relationships of hierarchy, status, and the obligations inbred from those could potentially create conflict within the church.¹¹² Plato (429-347 BC) in *Gorgias* saw the relationships clearly marked as between the inferior weak and the superior strong with the advantage going to the strong.¹¹³ The Greek historian Dionysius

¹⁰⁶ Crook, *Law and Life*, 266-67.

¹⁰⁷ Garnsey and Saller, *The Roman Empire*, 157.

¹⁰⁸ Reasoner, *The Strong and the Weak*, 51-2. He discusses *collegia* in regard to the weak, adding, “...Roman law codified an earlier label in the Roman social world that designated certain groups of people as weak” (p. 52). This is one of the rare mentions of Roman law in Reasoner’s monograph.

¹⁰⁹ Garnsey and Saller, *The Roman Empire*, 115-18.

¹¹⁰ Winter, *Seek the Welfare*, 46.

¹¹¹ Winter, *Seek the Welfare*, 47.

¹¹² Winter, *Seek the Welfare*, 47.

¹¹³ Plato, *Gorgias* 484B. He says “that the great states attack the little ones in accordance with natural right, because they are superior and stronger...,” adding, “Then the ordinances of the many are those of the superior” (488.C-D).

of Halicarnassus (c. 60-7 BC) and Philo, the Jewish philosopher from Alexandria, Egypt (20 BC-AD 20), discussed these relationships under moral, social, civic, commercial, financial, familial, religious, and even those according to nature.¹¹⁴ Winter discussed these relationships in terms of obligation: honour, civic obligations in the *politeia*, benefactions, patronage, and patron-clients relationships.¹¹⁵ Garnsey and Saller consider some of these obligations in terms “proper conduct” for both givers and receivers in an exchange of services.¹¹⁶ Obligations in their social structure were hierarchical depending on the time and place of social setting, including church.

Foundational to Roman society was the ideology of patronage.¹¹⁷ No principle influenced relationships and obligations among people in Rome more than patronage. Crook says that patronage is that by which the “wheels of Roman society were oiled.”¹¹⁸ Saller appeals to the hierarchical structure of Roman society with its clearly defined categories of strength and weakness when he speaks of patronage, “...it must be asymmetrical, in the sense that the two parties are of unequal status and offer different kinds of goods and services in the exchange - a quality which set patronage off from friendship between equals.”¹¹⁹ The key to patronage is that a person of lesser status obligates him or herself to one of greater status. Consequently, there was no one in Roman society who was not obligated to another person in one way or another. Even the emperor maintained obligations as the chief protector and provider of Rome and its inhabitants. Saller says, “Patrons supply protection and special access to certain goods and services to all citizens on the basis of universal, impersonal criteria, the clients’ needs

¹¹⁴ Dionysius of Halicarnassus, *Roman Antiquities* 4.9.4.6; 4.9.6.2; Philo, *Special Laws* 1.54.3; 2.69.5; 2.113.3; 3.26.5; 3.59.4; 4.56.4; Philo, *On the Virtues* 1-19; 125.1.

¹¹⁵ Winter, *Seek the Welfare*, 21, 184, 25-195. Dionysius of Halicarnassus, *Roman Antiquities*, 4.9.4.6; 4.9.6.2.

¹¹⁶ Garnsey and Saller, *The Roman Empire*, 149.

¹¹⁷ Reasoner, *The Strong and the Weak*, 181-86. He sees “obligation as the dynamic behind patronage” (p. 181). One weakness of his discussion on patronage is the legal force and implications of patronage.

¹¹⁸ Crook, *Law and Life*, 93.

¹¹⁹ Saller, *Personal Patronage*, 1.

for the patrons declines.”¹²⁰ Patronage influenced first-century Rome heavily, further widening the gap between the strong and the weak of society.

Patronage may also be discussed under numerous other headings, or synonymous terms, as the emperor used patronage throughout Rome. Saller lists these as seniority, equestrian career, and merit.¹²¹ He indicates the definite role of hierarchy in political roles and rank.¹²² Saller also follows up with an important point not to dismiss concerning reciprocal relations with an advantage toward the strong, “The pace of advancement [in political careers] always varied greatly and was thus in the emperor’s discretion, just as with senatorial careers.”¹²³ The hint of an understood code of ethics or obligations as a means of political advancement appears warranted. The emperor’s role as ideally the strongest of strong in Roman society designated him as superior under the concept of patronage.

Saller communicates the attempt of leaders to climb the hierarchical ladder in Roman political life in his discussion on merit. His most important discussion on merit involves his explanation on the concomitant virtues that must infiltrate the leader’s life.¹²⁴ These virtues are vital links in the relationships of patronage (see Chapter 2): obligation, loyalty, gratitude, and justice.¹²⁵ In fact, Saller asserts that the “dispensation of justice in the provinces was thought to require good character more than legal expertise.”¹²⁶ Still, Saller questions whether one can have a complete understanding of the extent of merit’s role in political promotion.¹²⁷ He concludes, “While the emperor no doubt considered merit, the Roman conception of merit was not such as to encourage impartial

¹²⁰ Saller, *Personal Patronage*, 3.

¹²¹ Saller, *Personal Patronage*, 94.

¹²² Saller, *Personal Patronage*, 94.

¹²³ Saller, *Personal Patronage*, 94.

¹²⁴ Saller, *Personal Patronage*, 94.

¹²⁵ Saller, *Personal Patronage*, 101-3

¹²⁶ Saller, *Personal Patronage*, 102.

¹²⁷ Saller, *Personal Patronage*, 110.

evaluation.’¹²⁸ One sees the critical virtues as an indigenous part of patronage, yet with inequality and subjectivity often accompanying it.

Three components were necessary for patronage: a patron (strong)-client (weak) relationship; an exchange of services (reciprocal relationships); a set of obligations relating to both the relationship and the exchange.¹²⁹ Carcopino indicates the primary impact of obligatory relations by noting that “from the parasite do-nothing up to the great aristocrat there was no man in Rome who did not feel himself bound more powerful above him by the same obligations of respect, or, to use the technical term, the same *obsequium*...”¹³⁰

Several relationships flowed from the ideology of patronage, each respectively, ascending from the weak obligating themselves to the strong: citizen to emperor; clients to patrons; wife to husband; children/heirs to father (*paterfamilias*); slaves to masters. Again, one sees the complexity of a tangled web of social relationships and the understood, yet unwritten obligations that formed a code of conduct on a descending scale for Romans in the first century. As will be discussed in Chapters 5 and 8, the apostle Paul did not treat this concept casually in Romans 14:1-15:13 and neither did the Romans in their eyes or conduct in their daily lives. The relationship of citizen to emperor has already been discussed.

It is interesting to note, however, that while all persons in Rome were obligated to the emperor, “there was a specific, defined group of *amici* and *clientes* who enjoyed the personal favour of the emperor and were personally bound to him.”¹³¹ They created competition, envy, greed, deceit, a quest for power, tense competition, and even caused some to commit terrible acts in an effort to achieve their personal ambitions regarding

¹²⁸ Saller, *Personal Patronage*, 110.

¹²⁹ Saller, *Personal Patronage*, 1.

¹³⁰ Jerome Carcopino, *Daily Life in Ancient Rome*, 171.

¹³¹ Saller, *Personal Patronage*, 73.

political aspirations. In fact, “the operation of patronage rather than the application of formal procedures and rules determined the promotion of administrators.”¹³² The emperor also maintained his own household, wherein a “clearly defined hierarchy of posts can be discerned.”¹³³ In Caesar’s household both his staff and slaves positioned themselves for promotion and freedom.¹³⁴ One cannot imagine the constant competition and gaming that went on in the realm of reciprocal relationships. Epictetus, the Stoic philosopher, describes this competition as a “contest” (ἀγῶνα) between the inferior and superior.¹³⁵ Obligations invoked duty and fulfilling them also became a means of ascending the hierarchical scale of power.

The *patronus-cliens* relationship, suggesting a reciprocal obligation from the patron to the client and from the client to the patron in business, was not an exchange among equals. Saller points out that the terminology of *patronus-cliens* in classical literature “was not freely used by authors with reference to any member of an exchange relationship of inferior status,” because “social inferiority and degradation [are] implied by the words.”¹³⁶ By no means, however, does this imply that such social inferiority did not exist. With reference, though, to *cliens*, “It was usually reserved for humble members of the lower classes.”¹³⁷ Dionysius of Halicarnassus undoubtedly differentiates the superior (strong) from the inferior (weak) when he states,

After Romulus had distinguished those of superior rank from the inferiors, he established laws by which the duties of each were prescribed. The patricians were to be priests, magistrates and judges, and were to assist him in the management of public affairs, devoting themselves to the business of the city. The plebeians were excused from these duties, as being unacquainted with them and because of their

¹³² Garnsey and Saller, *The Roman Empire*, 20.

¹³³ Garnsey and Saller, *The Roman Empire*, 25.

¹³⁴ Garnsey and Saller, *The Roman Empire*, 25.

¹³⁵ Epictetus, *Discourses* 3.101-23. He speaks of moral purpose with the inferior being overcome by the superior, adding that “he never enters a contest where he can be beaten, but immediately gives up what is not his own.”

¹³⁶ Garnsey and Saller, *The Roman Empire*, 9

¹³⁷ Garnsey and Saller, *The Roman Empire*, 9.

small means wanting leisure to attend them, but were to apply themselves to agriculture and the exercise of gainful trades. This was to prevent them from engaging in seditions, as happens in other cities when either the magistrates mistreat the lowly, or the common people and the needy envy those in authority. He placed the plebeians in the hands of the patricians by allowing every plebeian to choose for his patron any patrician whom he himself wished. ...Romulus recommended the relationship by handsome designation, calling this protection of the poor and lowly 'patronage,' but he also assigned friendly offices to both parties, thus making the connection between them a bond of kindness befitting fellow citizens.¹³⁸

In essence, patronage "yoked together" the parties in a near blood relationship that went beyond generations. Patrons had duties to care for them, to protect them, and to advise them in a court of law.¹³⁹ Clients had duties: to provide dowries for their daughters; to share costs of ransom, law suits, fines, and costs incurred in their magistracies and dignities, aiming in every act to promote good will among their patronage.¹⁴⁰ Patronage produced an "invisible rope" of obligation from the client to the patron that was not easily undone. More importantly, it was a "laudable feature" of Rome's development as a "central instrument of Roman socio-political control."¹⁴¹

Visually, this relationship of patronage reproduced itself each day in Roman society beginning in the early morning when clients visited the homes of their patrons. Carcopino sets the stage for how the *patronus-clients* relationship appeared on an average day in Rome:

The *patronus* for his part was in honour bound to welcome his client into his house, to invite him from time to time to his table, to come to his assistance, and to make him gifts. To clients who were in actual want the patron distributed food (*sportulae*); which they carried off in a basket or more often, to avoid the trouble this entailed, he gave them small presents of money when they called. ...A severe and meticulous code of etiquette regulated this obligatory attendance. First, although a client was free to come on foot rather than in litter, he could not

¹³⁸ Dionysius of Halicarnassus, *Roman Antiquities* 2.9.

¹³⁹ Dionysius of Halicarnassus, *Roman Antiquities* 2.10.

¹⁴⁰ Dionysius of Halicarnassus, *Roman Antiquities* 2.10.

¹⁴¹ Andrew Drummond, "Early Roman *Clientes*," in *Patronage in Ancient Society* (edited by Andrew Wallace-Hadrill; London: Routledge, 1989), 110. Álföldy, *Social History*, 101. Álföldy states that patron-client relationships reflect "power, prestige, and wealth; that the masses were subject to the emperor in what 'approximated to that of *clientes* to a powerful *patronus*.'"

decently appear without a toga; and this strict insistence on ceremonial dress could weigh so heavily on a budget that it would soon have eaten up his *sportulae* if it had not become fashion for the patron to take advantage of some solemn occasion to present him a new toga in addition to the five or six pounds of silverware which he reckoned on receiving each December, when the Saturnalian gift came around. Secondly, clients were bound to wait their turn patiently, and this depended not on the order of their arrival but on their social status; the praetor before the tribune, the *eques* before the plain citizen, the freedman before the slave. Finally, the client had to take great care in addressing his patron not to call the great man simply by his name but to give him the title *dominus*-failure to observe this detail might cause him to return home empty-handed... Each morning, therefore, Rome awoke to the coming and going of clients discharging these customary politenesses.¹⁴²

Oakes notes that many houses had *tablinum* or space, even stone benches, for clients to sit while waiting for their patrons.¹⁴³ MacMullen allows the importance of these

“connections” in Roman society noting that the relationship varied from time and place, while also sensing a great distance between master and man, patron and dependent.¹⁴⁴

Treggiari gives another feature of the relationship, “Not every citizen was a client or patron, nor were clients limited to one patron, but networking involved the various élites and the upwardly mobile.”¹⁴⁵ Without question, the complex web of relationships made for an animated, an intense, and a fearful day not without potential risks.

5. *Paterfamilias*

While the patron-client relationship shapes Roman society in its foundations, the relationship of child/heir to father in the domain of *paterfamilias* builds essential structure to society. Saller says, “Over the centuries *paterfamilias* has served as a paradigm of patriarchal authority and social; *patria potestas* has been seen as the embodiment of arbitrary, even tyrannical power.”¹⁴⁶ Dionysius of Halicarnassus spells out the power fathers have over children,

¹⁴² Carcopino, *Daily Life in Rome*, 172.

¹⁴³ Oakes, *Reading Romans*, 16, 22.

¹⁴⁴ MacMullen, *Roman Social Relations*, 8, 45.

¹⁴⁵ Treggiari, *Roman Social History*, 47.

¹⁴⁶ Saller, *Patriarchy, Property and Death*, 102.

But the lawgiver of the Romans gave virtually full power (ἐξουσίαν πατρί) to the father over the son, even during his whole life, whether he thought proper to imprison him, to scourge him, to put him in chains and keep him at work in the fields, or to put him to death...¹⁴⁷

Crook mentions that the *paterfamilias* with its *patria potestas* influenced the entire household, family descent, property succession and family inheritance.¹⁴⁸ Saller suggests a slow rush to judgment on the potential brutality of fathers, “If some historians see the spirit of the despotic father remaining throughout antiquity, others discover a change as the early asymmetry of paternal severity and filial duty (of provision and protection) gave way to mutual affection and devotion in the late Republic or early empire.”¹⁴⁹ Still, *paterfamilias* as a trait of Roman society in the first century is a reminder of a male-dominated culture where the strong dominated the weak, in this case the father dominating the son. Dionysius of Halicarnassus gives new meaning to the colloquialism “might makes right.” In Rome, no less, this appeared true.

What obligations did the child have to the father? The child was obligated to an obedience and submission that arose from devotion, or *pietas*. Cicero discussed the ways of a man winning a good name and becoming a “good man.” He lists as one of the ways as *pietas* to parents, “The best recommendation, then, that a young man can have to popular self esteem proceeds from self-restraint, filial affection, and devotion to kinsfolk” (*pietas in parentes*).¹⁵⁰ Saller highlights the importance of understanding a child’s obligations in two facets: (1) a duty more than mere affection; (2) a definite virtue practiced in the presence of a “higher power.”¹⁵¹ Treggiari mentions that the daughter also falls under the responsibility of her father with similar obligations expected of her

¹⁴⁷ Dionysius of Halicarnassus, *Roman Antiquities* 2.26.4.

¹⁴⁸ Crook, *Law and Life*, 98-99.

¹⁴⁹ Saller, *Patriarchy, Property and Death*, 104.

¹⁵⁰ Cicero, *On Duties* 2.46. See also Cicero, *On Duties* 2.11 concerning the “good man” and devotion.

¹⁵¹ Saller, *Patriarchy, Property and Death*, 105.

daughter.¹⁵² Saller adds, “*Pietas* was not simply a virtue of social order applicable only to aristocratic males.”¹⁵³ He further references Cicero’s works as those which “present family relationships as a central element of moral obligation and as a set of practical daily challenges in daily practice.”¹⁵⁴ Virtue motivated obligation. Romans in the empire never escaped the bonds or ties of obligation in their display of virtue. The ties that bind require devotion that tirelessly obeys and submits, especially for children.

The household code engendered by Roman culture meant also that not only the children but the wife had obligations to her husband and children. Dionysius of Halicarnassus summarizes some of a woman’s duties: to behave with modesty and decorum; to share with her husband in all his possessions and sacred rites; to conform to her husband’s needs; and to be virtuous and obedient.¹⁵⁵ A woman’s legal status depended upon the status of her husband. The complexities of legal understandings and laws regarding women are too numerous to list for the purposes of this thesis. However, it is vital to note that Mary Lefkowitz and Maureen Fant discuss a woman’s legal status in the Roman world under the subtitle “Marital Subordination” and discussing the role of women and children in the language of “bondage.”¹⁵⁶

Another key element in comprehending a woman’s obligation and subjugation in Roman society was the institution of guardianship or *tutela*, a series of legal rights to hold property for its protection.¹⁵⁷ Noteworthy here is that *tutela* was considered a sacred trust and that the “Romans placed *tutela* among the personal *officia* (duties; obligations),”

¹⁵² Treggiari, *Roman Social History*, 68-73. She discusses Cicero’s relationship, duty, and obligation to his daughter Tullia as well as Tullia’s *pietas*.

¹⁵³ Saller, *Patriarchy, Property and Death*, 108.

¹⁵⁴ Saller, *Patriarchy, Property and Death*, 225-26.

¹⁵⁵ Dionysius of Halicarnassus, *Roman Antiquities* 2.25-26.

¹⁵⁶ Mary R. Lefkowitz and Maureen B. Fant, *Women’s Life in Greece and Rome: A Source Book in Translation* (Baltimore: John Hopkins University Press, 1982), 112-19.

¹⁵⁷ Crook, *Law and Life*, 113-14.

while connecting it to bonds within the family.¹⁵⁸ Crook says, “Women were never released [from guardianship] (for even if married except with *manus*—they were *sui iuris*) [‘in their own power’], and their husband was not their guardian.”¹⁵⁹ Cicero alludes to a woman’s weakness in Roman society in regards to guardianship, “Our ancestors required all women owing to the instability (weakness; *infirmetas*) of their judgment to be under the control of guardians (*tutorum potestas*).”¹⁶⁰ There was a way for a woman to be free, in a sense, but it was rare. The absolute, critical values of the *paterfamilias* and *potestas* cannot be forgotten in Roman society. Crook gives a simple summary, “...subjection of women’s legal acts to some male authority was virtually universal in antiquity.”¹⁶¹ An impression can be drawn that women were property more than persons in Roman life.

The concepts of *princeps*, patronus-clients relationship, the *patria potestas* and the household code which oiled the wheels of Roman society implied obligations in every realm of life. These obligations were cross-status, complex, and were never far from the ideology or policy of Augustus and his plan for social concord. Garnsey and Saller elaborate,

Augustus’ policy went beyond simple social conservatism: the pattern of social inequality and differentiation continued from the Republic, but innovations now gave distinctions of rank sharper definition. The social order he established was stable and enduring. Under the Principate as a whole, the divisions and tensions deriving from the unequal distribution of wealth, rank and status were counterbalanced by forces of cohesion such as family and household, structured vertical and horizontal relations between individuals and households, and the ideological apparatus of state. It meant that a citizen was obligated to the state.¹⁶²

Cicero produces a list of duties explaining this, “...even the social relations themselves are gradations of duty (*officium*) so well defined that it can be seen which duty takes precedence of any other: our first duty is to the immortal gods; our second, to country;

¹⁵⁸ Saller, *Patriarchy, Property and Death*, 191.

¹⁵⁹ Crook, *Law and Life*, 114.

¹⁶⁰ Cicero, *Pro Murena* 27.

¹⁶¹ Crook, *Law and Life*, 114.

¹⁶² Garnsey and Saller, *Roman Empire*, 107.

our third, to parents; and so on, in a descending scale, to the rest.”¹⁶³ While the obligations were never far from Augustan ideology, neither were they far from the minds of Romans as they related to persons when they ventured into the forum, the marketplace, or their own houses.

The reciprocal nature of Roman social relations was a key to fellowship, unity, and mutuality, according to Epictetus.¹⁶⁴ The political structures, households and fellowship each required reciprocity. In Rome politicians displayed their superiority through their prestigious houses and villas on the hills of Rome. Wallace-Hadrill notes, “Vitruvius makes explicit the social considerations behind Roman architectural form: spacious public areas in house are designed for the reception of the public, and he does not expect them to be needed in the houses of the humble.”¹⁶⁵ The household itself became a social function of reciprocity. A member of a household might also serve as a patron, a designation of “influence,”¹⁶⁶ that expected clients to perform obligatory duties of service.¹⁶⁷ This influence is visibly demonstrated in the *atrium* of the house, a reception area for clients who gathered each morning for “the calling hour” (*salutatio*) to pay respects and to seek advice from their patron which was the patron’s duty to give.¹⁶⁸ The house also facilitated a meeting place for friends to exchange benefits, services, and obligations, the importance of which, “the Romans could hardly conceive of without reciprocal exchange.”¹⁶⁹ The household and its capacity for space in the transaction of “private initiatives” and as a place for the exploitation of economic opportunities in the

¹⁶³ Cicero, *On Duties* 1.55.

¹⁶⁴ Epictetus, *Discourses* 2.14.

¹⁶⁵ Andrew Wallace-Hadrill, *The Houses and Society in Pompeii and Herculaneum*, 83. Vitruvius, *De Architectura* 2.6.3. Vitruvius speaks of buildings for those “persons of high rank” and those “planned with a view to the status of a client” (2.6.5-6).

¹⁶⁶ MacMullen, *Roman Social Relations*, 8, sees this influence as “not the absence of law enforcement” but as a “force above the law.”

¹⁶⁷ Saller, *Personal Patronage*, 8-11.

¹⁶⁸ Mary Johnston, *Roman Life* (Chicago: Scott, Foresman and Co., 1957), 30. William Ralph Inge, *Society in Rome under the Caesars* (New York: Charles Scribner’s Sons, 1888), 148.

¹⁶⁹ Saller, *Personal Patronage*, 15.

“social mechanisms” of social life cannot be ignored.¹⁷⁰ Vital to patronage was the “door” as a mechanism for welcoming (προσλαμβάνω), a door often displaying honours or wreaths, but behind the idea of a door was that of taking in, helping, accepting the face of another, and welcoming into a circle.¹⁷¹ Patronage and hospitality possess shared characteristics based on an open door, reciprocal exchange, and was often exclusive in its reception, especially with the upper strata.¹⁷² Valerius Maximus describes Cato as a person whose “patrimony was small, his way of life narrowed by self-restraint (*mores*), his clientship not large, his house not closed to canvassers.”¹⁷³ In patronage and reciprocal relations the reason and status of the person welcomed or brought into a circle was not taken lightly by the Romans.

Ultimately, the reciprocal nature of exchange in social relations for a society (*societas* / κοινωνία) aimed for the common bonds in the best interest of society and “the mutual interchange of kind services...united by the ties of an enduring intimacy.”¹⁷⁴ A key to the unity was the virtuous wisdom of justice which was followed by Roman obligation with its social obligations.¹⁷⁵ Society, as Rome viewed it, possessed an obligation to mutual help through “giving and receiving, and thus by our skill, our industry, and our talents, to cement human society more closely together, man to man.”¹⁷⁶ Roman society’s goals sometimes faltered, the “cement” developed cracks, and the

¹⁷⁰ John H. D’Arms, *Commerce and Social Standing in Rome* (Cambridge, Mass.: Harvard University Press, 1981), 150, 154.

¹⁷¹ Xenophon, *Memorabilia* 3.14.4; Josephus, *Antiquities* 8.4; T.G. Tucker, *Life in the Roman World* (London: MacMillan and Co., 1910), 141-48. Tucker says that contemporaries often complained that “obligations frittered away a large portion of their day, and they were kept perpetually busy, ‘doing nothing’” (p. 217).

¹⁷² Cf. Andrew Arterberry, *Entertaining Angels: Early Christian Hospitality in its Mediterranean Setting* (Sheffield: Pheonix Press, 38-40. He mentions that patronage and hospitality are often confused, but share similarities, especially concerning “the granting of assistance and protection,” as well as mentioning the dependence of the (weaker) client upon the (stronger) patron, who plays “a superior role” (p. 39).

¹⁷³ Valerius Maximus, *Memorable Doings and Sayings* 2.10.8.

¹⁷⁴ Cicero, *On Duties* 1.50-5, 56.

¹⁷⁵ Cicero, *On Duties* 1.153.

¹⁷⁶ Cicero, *On Duties* 1.21-2.

reciprocal exchange still had the potential to turn into fierce conflict where the strong could exploit the weak, and often did so. Conflict arose and swirling around Rome in the first century were “webs of intrigue for office and influence,” “secret influence,” and among the “managers of patronage” intensely at work where without notice “a relationship that cements the bonds of affection now stimulated the fury of enemies.”¹⁷⁷

6. First-Century Hierarchy at Work and Anti-Semitism

Roman social relations on the descending scale influenced daily and political life in Rome in the unstable Claudian-Neronian eras. Four key factors demonstrated the hierarchical pattern at work, key factors at work near or around the time of Paul’s letter to the Romans: dinner parties, benefaction from the Roman elite especially in the marketplace, the Claudian edict of AD 49, and the Roman army.

i. Dinner parties and hierarchy publicly displayed

The hierarchical pattern displayed itself publically in Roman clothing, in the elite houses in the hills of Rome, in seating at theatres, and in the Roman dinner party. The Roman dinner party displayed status and hierarchy as seen in Pliny’s Letters where he describes “elegant dishes” served as meals for the élite while the rest, the non-élite “were cheap and paltry.”¹⁷⁸ Wine was served according to the highest order “to the lower order,” the best to the highest at the chief table with his guests of honour, and the worst to social inferiors at a table away from the chief, élite, host.¹⁷⁹ Petronius’ *Satyricon* gave insight into the aristocratic air of a Roman dinner party by describing Trimalchio’s wealth, his ring of gold, the separate tables for dining, especially for slaves, and the lure of offices in a quest for status and money.¹⁸⁰

¹⁷⁷ Tacitus, *Annals* 1.55; Saller, *Personal Patronage*, 2; Syme, *Roman Revolution*, 24-5.

¹⁷⁸ Pliny, *Letters* 2.6.

¹⁷⁹ Pliny, *Letters* 2.6. See n. a implying that a *nota* or “censor” was a part of the dinner party marking social inferiors.

¹⁸⁰ Petronius, *Satyricon* 28-54.

Roman society was comprised of social distinction, status, in the words of Cicero, “grouped,” and every citizen in every context, even in the sharing of a meal, had to “be armed against those influences which disturb the stability [of the state].”¹⁸¹ Stability and orderliness came through each person accepting his or her status, respecting another’s, and in Roman law as in life in every social setting, all actions be directed to the “highest good, the standard of all our actions.”¹⁸² The “highest good” meant, ultimately, keeping the *status quo* when it came to social relations, the weak deferring to the strong. The hierarchical pattern kept each person in their social order in every context.

ii. Claudius and benefaction

A second factor demonstrating the hierarchical pattern at work in Rome in the first century was the benefaction of Claudius and his removal of certain benefits. Benefaction was a part of Claudius’ desire for Roman community (κοινωνία) and, according to Garnsey and Saller, in quoting the second century source Aristedes, aimed for the “hailed fulfillment of Claudius’ dream of *orbis Romanus*, of Rome as the *communis patria* of the world.”¹⁸³ Benefaction was part of the hierarchical pattern, including the obligations attached. One benefit under Claudian rule in Corinth, and more than likely Rome, was special provisions for Jews at the meat market. Gill describes the “gifts of the building by a member of the social élite” and the presence of a meat market (*macellum*) in Roman Corinth near Leicaion Road “ascertained by a pair of Latin inscriptions.”¹⁸⁴ Winter asserts that control of the markets by the Romans and later the full restoration of these rights to local communities was a good omen for minorities like Jews, indicating they were on

¹⁸¹ Cicero, *Laws* 1.7.24; *The Republic* 6.1.1.

¹⁸² Cicero, *Laws* 1.20.53.

¹⁸³ Garnsey and Saller, *The Roman Empire*, 15. Garnsey and Saller quote Aristedes, “You have caused the word ‘Roman’ to belong not to a city, but to be the name of some sort of common race, and this not one out of all races, but a balance to all remaining ones. You do not now divide the races into Greeks and barbarians...you have divided people into Romans and non-Romans (26.63, 65).”

¹⁸⁴ David Gill, “The Meat-Market at Corinth (I Corinthians 10:25),” *TynB* 43 (1992): 389-93.

good terms with Roman authorities.¹⁸⁵ However, the benefits could be removed for a season.

The political and social climate during Claudius' reign became tense in Rome and caused him to have two concerns: a concern for order and for social control through "adjusting the status and rights of the corrosive elements in society."¹⁸⁶ Maintaining law and order helped maintain society, so closely akin to the indispensable force of the well ordered Roman obligation with its circular ties in social practice. The unrest in Rome caused Claudius to take action in AD 49, according to the Roman historian Suetonius (AD 69-130), at or near the time of Paul's letter to the Romans, by declaring an edict, which states "...since the Jews constantly made disturbances at the instigation of Chrestus, he expelled them from Rome."¹⁸⁷ The Claudian edict is in Acts 18:2, which also mentions the expulsion from Rome of two Christians, also Roman Jews, Prisca and Aquila. Levick says the cause for the expulsion is "uncertain" and "obscure," but "leaves open the bare possibility that Claudius was facing clashes between orthodox Jews and members of the new Jewish sect, Christians."¹⁸⁸ Noy notes that Claudius took legal action to maintain order and to construct unity.¹⁸⁹ Momigliano adds that Claudius was "true to his policy of favouring provincials," acted from a desire to remain on good terms with the people, and wished to "suppress any proselytizing activities of the faith, now increased by the new ferment of a Christianity still indistinguishable from the synagogue."¹⁹⁰

While the reason for the expulsion seems unclear, two possibilities appear likely:

(1) the disorder around the Jewish synagogue and (2) anti-Semitism. As Jews were

¹⁸⁵ Gill, "The Meat-Market at Corinth," 297-8.

¹⁸⁶ Barbara Levick *Claudius* (London: Yale University Press, 1990), 121-2.

¹⁸⁷ Suetonius, *The Deified Claudius* 25. Leon argues that Claudius reaffirmed Jewish rights after the anti-Semitic attitude of Gaius and upon expulsion of Jews expelled only the one causing the disturbances. Harry J. Leon, *The Jews of Ancient Rome* (Peabody, Mass.: Hendrickson Publishers, 1960), 26-27.

¹⁸⁸ Levick, *Claudius*, 121.

¹⁸⁹ David Noy, *Foreigners at Rome: Citizens and Strangers* (London: Duckworth Press, 2000), 22

¹⁹⁰ Arnaldo Momigliano, *Claudius: The Emperor and His Achievement* (trans. W. D. Hogarth; 1934; repr., Cambridge: W. Heffer and Sons, 1961), 30.

expelled from Rome in AD 49 the benefits and privileges they enjoyed, such as the ability to purchase kosher meat at the market, were more than likely removed.

Concerning the Claudian edict two key elements must not be overlooked in regard to Romans 14:1-15:13: (1) the social standing of Prisca and Aquila; (2) and the restoration of rights at the meat market near the time of Paul's writing of his Letter to the Romans and its influence in the controversy in the church at Rome. Prisca and Aquila are important because they acted as informants to Paul concerning the conflict, the issues of Sabbath days and food, and the polarization of the Roman church after their expulsion from Rome. They symbolize, as tentmakers, although "nothing is said about their legal status, but they were probably *peregrine*," the weak of society and because of their diminished status as foreigners, Jews, representing the lower status on the social scale of Roman hierarchy.¹⁹¹ The expulsion of the Jews appears as a mixed bag of both anti-Semitic and anti-Christian sentiments, but the expulsion appeared brief as Prisca and Aquila returned to Rome after a few years.¹⁹²

When Prisca and Aquila returned to Rome and ministered in the church at Rome the issue of kosher food in the meat market was a critical part of the conflict. There were similar issues at Corinth, where Roman control of the meat market for "suitable food" for "the daily necessities of life" and special provisions for Jews were cut off in AD 49, probably as a form of punishment of the Jews.¹⁹³ Even after Prisca, Aquila and other Jews returned to Rome several years later, the Jews found no special privileges for provision of kosher meat at the market and this contributed to the serious conflict between the Gentiles and Jews, the strong and the weak in the church at Rome. Roman authority exacted by the Claudian edict not only caused the expulsion of Jews from Rome, contributed to a loss of

¹⁹¹ Noy, *Foreigners at Rome*, 259; Crook, *Law and Life*, 283.

¹⁹² Noy, *Foreigners at Rome*, 259. Gallio's legal judgment apparently made no distinction between Paul and Jews (Acts 18:12-17).

¹⁹³ Winter, *After Paul Left Corinth*, 297 n. 44, 287-301.

benefits and privileges, but also contributed to the conflict in the church in Rome years later. The hierarchical pattern at work in Rome provided social control and controlled benefits based on the fulfilment of obligations, for after all, “Rome took care everywhere to secure upper class control.”¹⁹⁴

iii. Anti-Semitism

A third factor demonstrating the hierarchical pattern was anti-Semitism.¹⁹⁵ Goodman describes the relationship between Rome and Jerusalem as “the clash of ancient civilizations,” that the Jews experienced prejudice because of the “separateness of Jewish communities in the Diaspora which made the Jews distinctive and therefore vulnerable as scapegoats.”¹⁹⁶ Anti-Semitism in Rome and its territories surfaced prior to Paul’s writing of the Letter to the Romans. Tiberius and Gaius developed anti-Semitic sentiments with policies during their respective reigns, Tiberius by his expulsion of foreign Jews and conscription of Jewish citizens to military service; Gaius by forcing Jews to worship him as divine which they could not obey because of Jewish law.¹⁹⁷ Suetonius alludes to the tone of anti-Jewish sentiments describing Tiberius’s as an abolishment of foreign cults and superstitious rites, including the burning of religious vestments and the Jews of military age were assigned to posts with poor climates, including banishment to slavery for the refusal to obey.¹⁹⁸ By the time of the reign of Claudius, anti-Semitism in Rome had been an undercurrent flowing in the river of the Roman mind.

Judge points out the long history of conflict on the surface and Rome’s misunderstanding of the Jews by stating that “the Hasmoneans secured for the Jews the

¹⁹⁴ Crook, *Law and Life*, 283.

¹⁹⁵ Reasoner, *The Strong and the Weak*, 64-158. In his monograph Reasoner does not discuss anti-Semitism. In contrast, this thesis views anti-Semitism as key social element at work in the church in Rome.

¹⁹⁶ Martin Goodman, *Rome and Jerusalem: The Clash of Ancient Civilizations* (London: Penguin Books, 2008), 578.

¹⁹⁷ Momigliano, *Claudius: The Emperor and His Achievement*, 30.

¹⁹⁸ Suetonius, *The Deified Tiberius* 36.

status of the friends of the Romans (1 Macc. 8; 12:1-4; 14:24-40; 15:15-24)” and that the Romans themselves had attempted to infect Judaism with Roman customs.¹⁹⁹ There can be little doubt that the conflict through the years from political misunderstandings contributed to an anti-Semitism that swirled around AD 49, and according to Slingerland, continued to hold the Jews “in contempt.”²⁰⁰ Leon believes that Augustus was favourable to the Jews by granting special privileges by the “free distribution of grain and other commodities or largesse of money to the poorer citizens and allowing certain privileges to carry over beyond the Sabbath so that the Jews could keep it.”²⁰¹ The favour of Augustus diminished with his death and anti-Jewish sentiment began to increase.²⁰²

Claudius’s edict was not his first anti-Semitic gesture. In AD 41 he prohibited the Jews from assemblies and excluded them from the corn dole.²⁰³ Philo, Josephus, Tacitus, and Suetonius each document Roman anti-Semitic tendencies in their writings.²⁰⁴

The difficulty of understanding Claudius’s anti-Semitic policies at times appears confusing on three counts: (1) that Rome did identify Jews as a group and, at times, gave them “special treatment in certain circumstances”²⁰⁵; (2) that Roman policy failed to clearly distinguish between Judaism and Christianity since the two appeared close in proximity and worship; and, (3) that Roman policy constructed measures for punishing Jews when social unrest arose out of their lifestyle, social practice, and religious movements. Social unrest appears as the cause for the expulsion, reinforcing Rome’s long history of anti-Semitism.

¹⁹⁹ Judge, “Judaism and the Rise of Christianity,” *TynB* 45 (1994): 357.

²⁰⁰ H. Dixon Slingerland, *Claudian Policymaking and the Early Imperial Repression of Judaism at Rome* (Atlanta: Scholars Press, 1997), 221. Slingerland quotes Suetonius, “He treated with respect such foreign rites as were ancient and well established, but held the rest in contempt” (Suetonius, *Augustus* 93).

²⁰¹ Leon, *The Jews of Ancient Rome*, 11, 16.

²⁰² Leon, *The Jews of Ancient Rome*, 16-23.

²⁰³ Noy, *Foreigners at Rome*, 42.

²⁰⁴ Philo, *Embassy to Gaius* 156; Josephus, *Jewish Antiquities* 18:81-84; Tacitus, *Annals* 2.85.5; Suetonius, *The Deified Tiberius*, 36; Suetonius, *The Deified Claudius* 25.

²⁰⁵ Noy, *Foreigners at Rome*, 258.

Noy comments that the Jews were given special treatment under Roman rule concerning collections at the Jerusalem temple, special provisions for receiving the corn dole on a day other than the Sabbath, and for religious preferences.²⁰⁶ Leon speaks of Claudian edicts early in his reign concerning the “special rights and privileges of the Jews, disclaiming the oppressive acts of Gaius, and emphasizing the Emperor’s high regard for the brother kings, Agrippa and Herod, and his confidence in the loyalty and friendship of Jews toward the Roman people.”²⁰⁷ Any imperial edict providing special provision or restricting liberties in the *imperium* were “pronouncements of an officer of the people to the people (or some particular set of them), saying what he requires to be done—not only about the law but about anything.”²⁰⁸ Under Claudius’s rule in the edict of AD 49 anti-Semitism increased until it climaxed later into war and the destruction of Jerusalem in AD 70. Anti-Semitism in Rome and in the mind of the Romans helped solidify the distinction between Greek and Jew, and even the hierarchical distinction of the strong and the weak. The hierarchical pattern at work in Rome possessed qualities that appeared outright abusive, highly subjective, and highly prejudiced.²⁰⁹

iv. The Roman army

A fourth factor at where the hierarchical pattern was at in Rome was the army. The Roman army was the perfect model of hierarchy, discipline, domination, and obligation. The organization of the camp protects the most important military commanders with the highest ranks in the middle surrounded by layers and walls of soldiers, the lowest ranks

²⁰⁶ Noy, *Foreigners at Rome*, 258-259.

²⁰⁷ Leon, *The Jews of Ancient Rome*, 22.

²⁰⁸ Crook, *Law and Life*, 20.

²⁰⁹ Cicero, *On Behalf Flacco* 66-9. He refers to the Jews “barbaric superstition” and the threat they appeared to be to the state and when Jews desired to send gold to Jerusalem in religious rights he said, “Who is there, gentlemen, who can honestly praise this action?” (67). He further states the anti-Semitism, “Even while Jerusalem was at peace with us, the practice of their sacred rights was at variance with the glory of our empire, the dignity of our name, the customs of our ancestors” (69).

on the outside.²¹⁰ Communication flowed top-down with information and commands flowing from the highest military commander to the lowest in sequential order.²¹¹ As to discipline they were trained to keep order (ταξίς), to march in perfect order, to pursue high honours through bravery, and to act properly, for even “a slight neglect of duty” meant the breaking of a law or desertion of the ranks included laws which punish with death.²¹² Josephus noted that their actions were always “prompt” and disciplined, adding, “This perfect discipline makes the army an ornament of peace-time and in war wields the whole into a single body; so compact their ranks, so alert their movements in wheeling to right or left, so quick their ear for orders, their eyes for signals, their hands to act upon them.”²¹³

The army flourished in “an ethos of service, obedience, and loyalty.”²¹⁴ As to domination the army conquered its foes completely, their “total strength of forces” yielded to no enemy and with sheer power subjected their defeated foes to Roman law and customs, called Romanization.²¹⁵ Garnsey and Saller note, “The motive is clear, to turn a nation of warriors into peaceful subjects,” or put another way, to turn enemies into subjects who fulfil their obligations under Roman law and rule.²¹⁶ The Roman army worked toward the goal of “good order” and complete obedience from all its subjects.²¹⁷ The hierarchical order itself in the army, according to Josephus, verified social distinction and the exploitation of the weaker members of society. He says, “One cannot but admire the forethought shown in particularly by the Romans, in making their servant class useful

²¹⁰ Josephus, *Jewish War* 3.85.

²¹¹ Josephus, *Jewish War* 3.85.

²¹² Josephus, *Jewish War* 3.85., 3.102-4.

²¹³ Josephus, *Jewish War* 3.105-6.

²¹⁴ Goodman, *Rome and Jerusalem*, 336.

²¹⁵ Josephus, *Jewish War* 3.69; Garnsey and Saller, *The Roman Empire*, 18.

²¹⁶ Garnsey and Saller, *The Roman Empire*, 18.

²¹⁷ Epictetus, *Discourses* 3.24.95. He mentions in education two key Roman ideas of the good and excellent man: good order (εὐτάκτως) and obedience (εὐπειθῶς), that is, each person keeping “in orderly fashion” and each in “due obedience” fulfilling obligations whatever his or her “post” (ταξίς).

to them not only for the ministrations of ordinary life but also for war.”²¹⁸ The hierarchical pattern at work in Rome proved powerful in controlling the masses and establishing peace and order.

At work in the hierarchical pattern was the oppression of the weak with no mercy, often enforced by the army. Cicero discusses Roman law, saying, “Hence our law grants the appearance of liberty, preserves the influence of the aristocracy, and removes the causes of disputes between the classes.”²¹⁹ In practice this could often be described as oppression and brutality. Josephus describes a siege at Jotapata during Nero’s reign in graphic terms: “the blade to their throat,” “no pity,” “vengeance,” and “massacre.”²²⁰ The Roman army was the “image of their ideal society,” displaying their strength in war, parading their strength in public triumphs, and in peace, war, or daily life obeying and enforcing the regimen of duty without empathy or pacifism.²²¹ Tacitus described their display of brute strength as “arrogance” or superiority over Britain in these words, “To plunder, butcher, steal, these things they misname empire: they make a desolation and call it peace.”²²²

The hierarchical pattern of Roman superiority and the domination of the weak generated an attitude of mercilessness in war, peace, and social practice. If Rome was an obligation society, it was also a society of little or “no mercy” when obligations were not fulfilled.

7. Conclusions

It has been argued that Roman society was hierarchical in its social pattern. The pattern influenced Roman order based on rank and status. The pattern created vertical

²¹⁸ Josephus, *Jewish War* 3.70.

²¹⁹ Cicero, *Laws* 3.36.

²²⁰ Josephus, *Jewish War* 3.329.

²²¹ Goodman, *Rome and Jerusalem*, 332-38.

²²² Tacitus, *Agricola* 30.

relationships that demanded reciprocal relations, that is, obligations of patronage that were expected to be fulfilled in a variety of relationships biased toward the strong in society. Roman obligation created a social order not to be tampered with in social settings like dinner parties, in the distribution of benefits, in the army that was an ideal image for Rome, and, when obligations were refused and conflict arose, mercy was not typically a consequence.

When conflict did arise, Roman society had a plan for resolving it through obligation before the conflict reached an impasse of “no mercy.” Roman hierarchy emerges as a pattern of social behaviour. The next chapter will explore the resolution of conflict in Rome’s obligation society.

Chapter 4: Conflict Resolution in Rome's Obligation Society

Introduction

As has been shown in the previous chapter concerning the hierarchical pattern, the intense personal, reciprocal relationships gave rise to conflict in Roman society legally, socially, and politically. "Roman citizen...is not just a vague term meaning an inhabitant of the Roman empire, but a precise expression of one particular set of rights and duties,"¹ according to J. A. Crook. Legally, the relationships conveyed contracts of obligation which could fail and breed expectations which, according to Zimmermann, "can be disappointed in various ways: the promisor may fail to entirely perform, he may offer performance belatedly or at the wrong place, or his performance may turn out to be unsatisfactory."² Socially, the hierarchical patterns of society produced conflict which commenced from "the divisions and tensions deriving from the unequal distribution of wealth, rank and status."³ Politically, Augustus' plan and the quest for power in the struggle of ambition cultivated citizenship that "entailed a nexus of privileges and obligations in many spheres of activity, juridically defined and jealously protected; it was a membership in an order in the strictest sense of that term, especially once 'outsiders' in noticeable numbers began to reside inside."⁴

Power, privilege, ambition, and envy combined to manifest a society where conflict appeared inevitable.⁵ Likewise, conflict was largely unavoidable because by "the first century AD, foreigners and their descendants made up the majority of the common people of the city

¹ Crook, *Law and Life*, 37.

² Zimmermann, *Law of Obligations*, 783.

³ Garnsey and Saller, *The Roman Empire*, 107.

⁴ Finley, *The Ancient Economy*, 47.

⁵ Reasoner, *The Strong and the Weak*, 22-3. Reasoner sees the social life of Rome, "the status-conscious Roman society," and the relationships in Rome as keys to the solution of the controversy in the church. He adds two important comments: (1) interpreters of Romans 14:1-15:13 often exclude the "bigger picture in Rome" and (2) interpreters do not often read the book of Romans in light of the whole with respect to Roman social thought. This chapter in the thesis seeks to expand upon the background of Roman society, social thought, and solutions to controversy.

(*plebs urbana*), a large population of free resident aliens, and the entire slave class.”⁶ Jeffers notes the complexity of relationships and melting pot of cultures that inhabited Rome, but one questions his opening statement, “The first Roman Christians came from the poorer classes of Rome.”⁷ Rome itself and Rome’s obligation society, both in wider cultural and in the narrow confines of the local church, thrived on societal structure, class, wealth, and the dynamic of obligations inbred in the construct of Roman social relations. Phoebe, a patroness, according to Romans 16:1, assisted many people in the church at Rome, suggesting her wealth as a patron and the link of obligations which followed the ideology and operation of Roman obligation. The intermingling cultural mix and the categorisation of society in Rome set the stage for the turbulent interaction of people which spurred conflict which required resolution.⁸ The purpose of this chapter is to discuss conflict resolution in Rome’s obligation society.

In order to demonstrate the resolution of conflict in Roman society, five key aspects will be discussed: (1) A *rationale* for conflict resolution; (2) conflict resolution must be seen through the eyes of the Roman law of obligation with a view to the cultural expectations which Roman legal structure presented; (3) the Roman social aspects of obligation’s emphasis on friendship and enmity (*inimicitia*) as a tool of social pressure in society will be demonstrated with a Roman’s motive for revenge; (4) conflict resolution favoured the strong in society; (5) conflict resolution will be demonstrated by discussing Roman obligation as the critical tool for resolution; and (6) a brief synopsis for Romans 14:1-15:13.

⁶ James S. Jeffers, *Conflict at Rome* (Minneapolis: Fortress, 1991), 8.

⁷ Jeffers, *Conflict at Rome*, 3.

⁸ Jeffers, *Conflict at Rome*, 1-35.

1. *A Rationale for Conflict Resolution*

Roman law in the times of the Republic recognised a division of orders, a struggle between patricians and plebeians or, more clearly, between the wealthy landowners and the poor who worked the land.⁹ Jolowicz and Nicholas say, “The division was probably simply the common social and economic one: the greater part of the land presumably fell into the hands of a minority of families, which then abrogated to themselves superior rights...”¹⁰ Land ownership in the hands of the few, the law of debt, typically the poor who for various reasons were indebted to the landowners, and the unwillingness or inability of the poor to pay back their debts to the landowners precipitated laws of resolution.¹¹ The history of such conflict, difficult to reconstruct both legally and socially, but no doubt real, still called for resolutions, concessions, and a clarification of certain rights.¹² These rights and the duty of performance, or more appropriately, non-performance, lay at the heart conflict.¹³ Basic to the spirit of Roman law is the concept of a remedy, which, in essence, “is an appropriate action.”¹⁴

During the principate, the foundational aspect of social divisions that caused social and legal conflict “remained untouched.”¹⁵ A “privileged few – probably less than 0.1 per cent of the [Roman] population – dominated the vast majority beneath them.”¹⁶ Conflicts had roots in similar concepts: ties of obligation, laws of debt, rights, duties, and actions (performance or non-performance).¹⁷ Generally, legal and social power in the principate still remained in the hands of the privileged few, thus creating a Roman legal system of

⁹ Jolowicz and Nicholas, *Historical Introduction*, 9-10.

¹⁰ Jolowicz and Nicholas, *Historical Introduction*, 9-10.

¹¹ Jolowicz and Nicholas, *Historical Introduction*, 10-12.

¹² Jolowicz and Nicholas, *Historical Introduction*, 10. Riggsby, *Roman Law*, 146-47. He discusses servitudes (“the dominant one”) and the rights of one landowner and his land over another person and his land (“servient”).

¹³ Zimmermann, *Law of Obligations*, 1.

¹⁴ Watson, *Spirit of Roman Law*, 8.

¹⁵ Mousourakis, *Legal History*, 92.

¹⁶ Parkin and Pomeroy, *Roman Social History*, 3.

¹⁷ Jolowicz and Nicholas, *Historical Introduction*, 374-413.

“inequalities,” legal remedies based on superior rights, and procedure necessary to take action or resolve legal disputes.¹⁸ These concepts were in the background of obligation (ὀφειλή) as Paul writes Romans 14:1-15:13. This supplies an important *rationale* for discussing conflict resolution in Rome’s obligation society. It is suggested that a review of Roman conflict aids in understanding the issues and people in conflict in the Christian community in Rome.

2. *Legal Aspects of the Resolution of Conflict*

The reconstruction of Roman law in regard to conflict between two parties, an error in action, or failed obligations, proves difficult. Crook’s reminder, emphasizing social relationships, here is instructive, “We cannot go, as a textbook of Roman law would, into the details of legal rules and how they were applied to innumerable sets of facts; we can only sketch the main institutions and state some of the basic rules.”¹⁹ Generally, therefore, it is essential to understand conflict in terms of person (*persona*) and the implications of law for social discourse in daily life. A skeleton account of Roman law, as this thesis provides, in regard to conflict is basic but essential to the discussion of two fundamental issues surrounding law: conflict in the drama of social dynamics and friendship with its obligations emerging out of patron-client relationships. Still, some discussion about the foundational legal concepts of conflict is necessary.

The legal form of a contract, especially one of an oral nature in the first century, was “the backbone of the contractual scheme of Roman law,” while committing the parties to obligations which were enforceable.²⁰ “Every contractual promise engenders expectations in

¹⁸ Riggsby, *Roman Law*, 77; Crook, *Law and Life*, 24; Telegen-Couperus, *A Short History*, 89-93.

¹⁹ Crook, *Law and Life*, 12.

²⁰ Zimmermann, *Law of Obligations*, 546.

the person of the promisee.”²¹ The Romans commonly grasped the depth of this formulated contract with understood obligations and the consequences of failed obligations. Epictetus speaks of “subsequent steps,” in “how to win a victory” saying, “But consider the matters which come before that and those which follow after; and only when you have done that, then, if it profits you, put your hand to the task.”²² However, errors and failed obligations did occur. What were some basic types of errors in Roman law?

Zimmermann discusses a multitude of errors relating to failed obligations under these headings: *verba* and *voluntas* (words and will); determining the object of performance; error in *copore*, error in *pretio*, error in *negotio*, error in *persona*, error in *substantia*, common mistake, error in motive, common error in *nomine*, mistakes in testaments and wills, error and protection of the promisee, error of ignorance *nocet*, and error *vincibilis* and breaking of the bonds.²³ In practical terms, conflict was seen in daily life through “personal grievances, exclusive loyalty to patrons or the political elite, ambition, violations of trust or obligations, envy towards new people joining a group, and power and influence of others in it.”²⁴ Conflict was even “promoted through relatives, friends and clients and was acceptable in society.”²⁵ Zimmermann notes that in looking at these errors, the last thing we can expect to find is a “neat and logical theoretical framework.”²⁶ The most important errors of failed obligations in Roman culture were *verba* and *voluntas*, determination of object of performance, error in *negotio*, error in *persona*, error in *substantia*, and error of ignorance.

²¹ Zimmermann, *Law of Obligations*, 783.

²² Epictetus, *Discourses* 3.15.1-4.

²³ Zimmermann, *Law of Obligations*, 587-609.

²⁴ Bruce W. Winter, “The ‘Underlays’ of Conflict and Compromise in I Corinthians,” *Paul and the Corinthians: Studies on a Community in Conflict* (ed. Trevor J. Burke and J. Keith Elliott; Leiden: Brill, 2003), 153.

²⁵ Winter, “The ‘Underlays’ of Conflict and Compromise in I Corinthians,” 153.

²⁶ Zimmermann, *Law of Obligations*, 587, 587-589.

A truth in word and will refers to the *verba* contract with its voiced promises by both parties, sometimes with specific stipulations.²⁷ The verbal exchange constituted an agreement, the terms were non-debatable, but one party fails to meet an obligation. The determination of an object of performance means that the contract and the price of an object, for example, land, was agreed upon.²⁸ A failed obligation meant not paying the price, although sometimes a dispute arose over the actual contract price which could be judged invalid.²⁹ An invalid judgment was rare in the first century because of the pledge made preceding the contract. An error in *negotio* meant that the parties exchanged money but as time passes neither party understood the item of purpose for the exchange.³⁰ “One of them thinks that it is a deposit, the other takes it to be a loan for consumption; and in the second case the one party regards it as a loan for consumption whilst the other has a loan for use in mind.”³¹ The vagueness of this failed obligation gives rise to an integral part of Roman social relations: they could be highly subjective and whimsical based on circumstances, mood, and a person’s status. This was especially true under the legal “innovations” of Augustus.³²

The error in *persona* almost seems comical on the surface as it is an error in mistaken identity, that is, a “mistake over the identity of the other contracting partner,”³³ not so much that the person’s face was not recognized because a person’s face (πρόσωπον) was vital to relationships, but that a third party was involved. Zimmermann notes that this third party “appears to have prevented a contract.”³⁴ For example, A receives a loan from B; B feels he is not under obligation to A because he realizes that the money for the loan came by way of C

²⁷ Zimmermann, *Law of Obligations*, 587-589.

²⁸ Zimmermann, *Law of Obligations*, 588.

²⁹ Zimmermann, *Law of Obligations*, 588.

³⁰ Zimmermann, *Law of Obligations*, 591.

³¹ Zimmermann, *Law of Obligations*, 591.

³² Garnsey and Saller, *The Roman Empire*, 107.

³³ Zimmermann, *Law of Obligations*, 592.

³⁴ Zimmermann, *Law of Obligations*, 591.

whom B ordered to pay. If such an error appears confusing, it demonstrates the complexity of relationships and the apparent subjectivity of one party with another. Two other errors are important for the purposes of understanding the legal aspects of the constitution of a failed obligation: error in *substantia* is a failure to deliver the agreed upon goods, and *iuris ignorantia nocet* is the principle that every Roman citizen should know the law and ignorance of it is no excuse.³⁵ Roman law itself gave little legal room or encouragement for those who failed in their obligations because of two maxims: one, “a promise is a promise” or, put another way, “your word is your bond” as a pledge; and, two, “the ignorance of the (Roman) law is no excuse.”³⁶ Fulfilling obligations was all a part of Roman honour and good faith (*fides*).

An error could produce a failure in obligations but so could a breach of contract. A breach of contract comes when “the promisor has not complied with the duties imposed on him by the contract.”³⁷ Zimmermann gives a clear example of the intricacies of Roman contracts when he discusses a “contest,” obligations under the sub-title “supervening impossibility,”

A has promised, by way of stipulation to deliver the slave, Pamphilus, to B on 10 October. After this promise has been made, but before the time for delivery arrives, Pamphilus dies. Thus on 10 October A is unable to satisfy B’s claim. If B were to sue A, the judge would have to absolve the latter. From the point of view of substantive law, this result may be justified in terms of the rule that “ought” implies “can”: if A cannot perform, he can be under no obligation to do so.³⁸

³⁵ Zimmermann, *Law of Obligations*, 604-5.

³⁶ Zimmermann, *Law of Obligations*, 600-609.

³⁷ Zimmermann, *Law of Obligations*, 783.

³⁸ Zimmermann, *Law of Obligations*, 784.

Had a stipulation been a part of the contract it might have allowed for legal proceedings to procure a resolve by determining a monetary value to the transaction which could incur another obligation.³⁹ Obligations could spin a viscous cycle.

If, on the other hand, a debtor was thought in some way to be responsible, the obligations perpetuated still.⁴⁰ Obligations could also perpetuate if, as in the earlier case of the slave Pamphilus, B, the debtor had been clearly responsible for the slave's death. An obligation could perpetuate past the slave's death by assigning a monetary value which could incur an obligation for B to pay money to A.⁴¹ The determination was made on the basis of what Roman lawyers called a "fiction," which provided "a satisfactory solution to a problem by making it possible to apply an already existing (set of) rules that would otherwise not have covered the situation."⁴² An obligation could perpetuate if the debtor's behaviour was unacceptable.⁴³ A *culpa*, fault, could be attributed to the debtor if, in a breach of obligations, his behaviour had fallen short of an expectation, for example, his behaviour deemed him guilty or "at fault."⁴⁴ In Roman society "whoever promised something which was and remained objectively possible to perform was seen to guarantee his ability to surrender such performance."⁴⁵ In legal proceedings one has a difficult time distinguishing between the fault as substance and the fault as behavioural performance. Behaviour was important in the application of law in social roles and a key factor in determining conduct. This made Roman law appear to be highly circumstantial and suspect to the outsider, but readily accepted by the average Roman.

³⁹ Zimmermann, *Law of Obligations*, 784.

⁴⁰ Zimmermann, *Law of Obligations*, 784.

⁴¹ Zimmermann, *Law of Obligations*, 784-85.

⁴² Zimmermann, *Law of Obligations*, 784 n. 13.

⁴³ Zimmermann, *Law of Obligations*, 785.

⁴⁴ Zimmermann, *Law of Obligations*, 787-8.

⁴⁵ Zimmermann, *Law of Obligations*, 785.

At times, where conflict was concerned, Roman law appeared unfair. Zimmermann says, “There was only one form of breach of contract on the part of the debtor that received special attention and became institutionalized across the board, and that was the *mora debitoris* (delay of debt).”⁴⁶ This delay might call for a warning (*interpellatio*) to be given by the creditor, but basically the delay lengthened the time of the obligations.⁴⁷ A warning gave the debtor more time to fulfil an obligation, but ultimately creditors reserved the right to make debtors answer to their obligations. The complexity of obligations in this situation could become more complex because a creditor could also breach the contract, the *mora debitoris*, by delaying acceptance of a debt.⁴⁸ “All in all it has become apparent that the way in which the Roman lawyers dealt with breach of contract depended on the type of procedural remedy applicable in the individual case.”⁴⁹ What legal actions or remedies could be pursued, though, if a party in a contract failed to meet his or her obligations?

A party could take action if another party failed to meet an obligation. Actions were “legal procedures” to resolve a claim and critical to conflict resolution on any scale.⁵⁰ These actions were thought of as “remedies”⁵¹ by Roman lawyers and “a claim could only be pursued in a court of law if it could be expressed in a recognized form.”⁵² Appeal could be made to the judges and the courts. Watson speaks of the spirit of Roman law and actions, saying there was an atmosphere of “central indefiniteness.”⁵³ Watson’s comments are appropriate here because it is in the course of action where law and social practice work in concert the two entities can help the resolution of conflict. Discussing the actions, courts,

⁴⁶ Zimmermann, *Law of Obligations*, 790.

⁴⁷ Zimmermann, *Law of Obligations*, 791-92.

⁴⁸ Zimmermann, *Law of Obligations*, 817-18.

⁴⁹ Zimmermann, *Law of Obligations*, 790.

⁵⁰ Schultz, *Classical Roman Law* (Oxford: Clarendon Press, 1951), 24.

⁵¹ Nicholas, *Introduction to Roman Law*, 20. He says, “The law is made up of rights (and correlative duties) and remedies are the procedural clothing of these rights.”

⁵² Nicholas, *Introduction to Roman Law*, 20.

judges and juries would require judgments in gray areas of law that were overpowered by the legal status of the parties involved, but suffice it to say that with Augustus' Roman innovation the *Praetor's* edict assumed leadership in resolving many legal battles.⁵⁴

"Litigation took on the quality of a family quarrel, for everyone knew the litigants, liked or disliked them, and could assess the probability that one or the other might be capable of the crime."⁵⁵ The courts were often slanted toward those of superior honour and those whose wealth afforded them special legal privileges.⁵⁶ As for the judges,⁵⁷ Augustus continued,

...the *lex Julia de iudiciis privatis*, the old system was to continue, by which the praetors laid down the *formula* for each case and appointed a judge of the facts acceptable to both parties, but the list of judges, mostly senators and equites, was revised, and it is possible that the state began to accord special status in the creation of law to the opinions of selected legal experts.⁵⁸

In looking at the legal ramifications of the resolution of conflict in Roman society Garnsey's comment cannot be dismissed, noting that "the legal system in Rome favoured the interests of the higher orders."⁵⁹

Neither can the reader dismiss the key legal aspects of social hierarchy and status as an issue in failed obligations in relationships: for example, a patron failing in obligation to a client, a son failing in obligation to his father or *vice versa*, a wife failing in obligation to her husband, a citizen failing in obligation to the *imperium*, the *imperium* failing in obligation to supply corn to the plebeians, a slave failing in obligation to his master, a *humiliore* failing in obligation to a *honestiore*, a military leader failing in obligation to the emperor, a senator failing in obligation to the *imperium*, a non-citizen failing in obligation to a citizen and the

⁵³ Watson, *Spirit of Roman Law*, 146.

⁵⁴ Watson, *Spirit of Roman Law*, 21-ff.

⁵⁵ MacMullen, *Roman Social Relations*, 64.

⁵⁶ Crook, *Law and Life*, 81.

⁵⁷ Crook, *Law and Life*, 80. Crook attests to the social obligation a judge was required to fulfil in judicial service, "To serve as a judge if called upon was not only a social duty but a public office, from which you must be officially excused."

⁵⁸ Martin Goodman, *The Roman World: 44 BC-AD 180* (London: Routledge, 1997), 96.

critical failure of obligations of a friend to a friend.⁶⁰ The rules of patronage of the inferior weak of society being obligated to the superior strong of society played an essential role in conflict resolution. The legal aspects of the resolution of conflict invoked a whole series of obligations in legal definition as well as the social practise of daily life.

3. *Social Aspects of the Resolution of Conflict*

A missing link so far in the discussion of Roman obligation is 'friendship' (*amicitia*). The Romans placed great value on *amicitia* and obligations materializing out of the reciprocal relationships could have legal, political, and social impact.⁶¹ Friendship could possess a motive for material advantage, but more readily it was a horizontal relationship whose foundation was the "exchange of services."⁶²

Friendship was bound in the language and practice of obligation with an emphasis on honour, dignity, and "courteous cooperation."⁶³ "Behind the facade of cooperation lay competition: if a friend failed to make a return of the same order [a failed obligation], he risked slipping into the position of a 'lesser friend' and losing honour in the process."⁶⁴ Garnsey and Saller address the resolution of conflict, "The personal exchange relationships described above effectively mitigated cross-order conflict and tension, the importance which has been exaggerated."⁶⁵ Regardless of the exaggeration, friendship and the responsibilities surrounding friendship spurred an intense, potentially volatile, relationship of obligations.

MacMullen includes such terms as clients, order, power, faithfulness, gratitude and friendship (i.e. *cliens*, *ordo*, *potestas*, *fides*, *gratia*, and *amicitia*) in what contemporaries

⁵⁹ Garnsey, *Social Status and Legal Privilege*, 277.

⁶⁰ Garnsey and Saller, *The Roman Empire*, 107-159.

⁶¹ Garnsey and Saller, *The Roman Empire*, 154-159.

⁶² Garnsey and Saller, *The Roman Empire*, 154.

⁶³ Garnsey and Saller, *The Roman Empire*, 155.

⁶⁴ Garnsey and Saller, *The Roman Empire*, 155-6.

⁶⁵ Garnsey and Saller, *The Roman Empire*, 156.

perceived as “Roman social relations.”⁶⁶ As such, he calls these relations “the study of the synapses that show how waves of energy travelled through the body politic and made it move to war or peace.”⁶⁷ Patronage, friendship, their interwoven yet discerned relationships in social structure, and their binding and clearly defined obligations created an atmosphere conducive to conflict. Friendship figured heavily in the entangled conflict. Obligation figured heavily in the resolution.

Cicero mentions the essence of friendship as “the most complete agreement in policy, in pursuits, and in opinions.”⁶⁸ He names the link between two friends as “a certain tie which strengthens with our proximity to each other;”⁶⁹ and as “bonds of affection”⁷⁰ which unite two people in relationship. He further notes the reciprocity of friendship in the language of honour with its obligations: “...if you remove goodwill (*benevolentia*) from friendship the very name of friendship is gone.”⁷¹ Cicero mentions mutuality as an essential element of friendship in terms of “mutual goodwill and affection.”⁷² “For nothing gives more pleasure than the return of goodwill and the interchange of zealous service.”⁷³

Cicero cites the “chief good” as the “parent and preserver of friendship,” while also noting that “without virtue friendship cannot exist at all.”⁷⁴ One invaluable virtue which nurtures friendship is loyalty (*fides*), the quality of “unswerving constancy.”⁷⁵ Another virtue is common reverence: “For he who takes reverence from friendship, takes away its brightest

⁶⁶ MacMullen, *Roman Social Relations*, 122.

⁶⁷ MacMullen, *Roman Social Relations*, 122.

⁶⁸ Cicero, *On Friendship* 15.

⁶⁹ Cicero, *On Friendship* 19.

⁷⁰ Cicero, *On Friendship* 20.

⁷¹ Cicero, *On Friendship* 19.

⁷² Cicero, *On Friendship* 20-21.

⁷³ Cicero, *On Friendship* 49.

⁷⁴ Cicero, *On Friendship* 20-21.

⁷⁵ Cicero, *On Friendship* 65.

jewel.”⁷⁶ Friendship offers “very great advantages”⁷⁷ and “advantage is the cement of friendships.”⁷⁸ *Amicitia* binds friends together in an obligation of “mutual interchange,” which really means that mutuality infers submission on the lesser person’s part in a friendship to resolve conflict.⁷⁹

Friendship intersected politics, both in its role for social cohesion and political ambition. Cicero says,

Now he (Scipio), used to say that nothing was harder than for a friendship to continue to the very end of life; for it often happened either that the friendship ceased to be mutually advantageous, or the parties to it did not entertain the same political views; and that frequently, too, the dispositions of men were changed, sometimes by adversity and sometimes by the increasing burdens of age.⁸⁰

He adds that a “contest for advantage” can mean that the “friendship cannot be successful.”⁸¹

Taking the bond of goodwill out of friendship diminishes the power of friendship and concord which results in “enmity and disagreement”⁸² Enmity is the result of the lust for money and strife, while disagreements arise when the “laws of friendship have been disregarded.”⁸³ Cicero hints at the invisible rope suggested by Zimmermann when speaking of friendship, noting that “it is best to hold the reins of friendship as loosely as possible, so that we may either draw them up or slacken them at will.”⁸⁴ Friendship maintained allowed the “invisible rope” to be loosened around the neck of the obligated friend and enmity in the bonds of friendship forced the tightening of the “invisible rope” in critical obligations.

Roman friendship is, after all, “so pliable and elastic that it expands, so to speak, with a

⁷⁶ Cicero, *On Friendship* 82.

⁷⁷ Cicero, *On Friendship* 23.

⁷⁸ Cicero, *On Friendship* 32.

⁷⁹ Cicero, *On Friendship* 26.

⁸⁰ Cicero, *On Friendship* 33.

⁸¹ Cicero, *On Friendship* 34.

⁸² Cicero, *On Friendship* 23.

⁸³ Cicero, *On Friendship* 35.

⁸⁴ Cicero, *On Friendship* 45.

friend's prosperity and contracts with his adversity."⁸⁵ The reader sees the vital importance of friendship in Roman society because if you should take friendship's obligations and "the bond of goodwill out of the universe no house or city could stand, nor would even the tillage of the fields abide."⁸⁶

Friendship fits into the social scale as among co-equals or unequals.⁸⁷ Cicero opts for equality, but it is of utmost importance in friendship that the superior and inferior should relate in the sense of equality, preferably viewed more as "courteous cooperation,"⁸⁸ commonly viewed in Roman eyes as "conflict resolution" or "getting along peacefully." However in reality, Cicero recognizes that "oftentimes a certain pre-eminence (*excellantiae*) does exist."⁸⁹ Friends enhance the dignity of their friends, serve as the source of honour for friends, lift their inferior friends, and make demands on friends.⁹⁰ Cicero says, "In brief, it is your duty on every occasion to consider carefully both what you will demand and what you will permit him to obtain when he makes a demand on you."⁹¹ The underlying theme of obligation lay in the root of dignity, honour, status, and reciprocal demands, each social construct vital to conflict resolution.

Friendships can terminate, although breaking them off can be "a sort of disaster," yet "sometime unavoidable."⁹² Such friendships have ties that "should be sundered by a gradual relaxation of intimacy," or as Cicero once heard Cato say, "They should be unravelled rather than rent apart."⁹³ Unfulfilled obligations, a difference in political views, a withdrawal of affection, a change of disposition, and broken bonds of honour, all or one can produce a

⁸⁵ Cicero, *On Friendship* 48.

⁸⁶ Cicero, *On Friendship* 23.

⁸⁷ Garnsey and Saller, *The Roman Empire*, 155.

⁸⁸ Cicero, *On Friendship* 69.

⁸⁹ Cicero, *On Friendship* 69.

⁹⁰ Cicero, *On Friendship* 74-75.

⁹¹ Cicero, *On Friendship* 75.

⁹² Cicero, *On Friendship* 76.

broken friendship which could result in the arousal of “open hostility” and “serious enmities.”⁹⁴ It was not uncommon for Romans to display these open hostilities and enmities between friends in public places.

Dionysius of Halicarnassus discusses friendship with *amicitia*’s Greek counterpart φίλος. The language of friendship in Rome’s obligation society and the *mores* reverberate when Coriolanus pleads with his friend Marcus Minucius, saying, “that a friend or an enemy is not determined either by the lineaments of a face or by the giving of a name, but both are made manifest by their services and by their deeds, and that we all love those who do us good and hate those who do us harm.”⁹⁵ The speech mentions benefits, honour, an exchange of services, hate, enmity, and conduct, all key elements of social relations and the resolution of conflict.⁹⁶ Saller says, “The fact that men of varying social statuses could be called *amici* (friends) does not indicate that all *amicitiae* fit into a single category of social relationships with a single code of conduct.”⁹⁷ Friendships were dynamic, tense, and subject to change given a change of circumstances.

Contrary to friendship (*amicitia*), is the Roman’s “phenomenon of *inimicitiae* (enmity, ‘hated,’ ἐχθρα).”⁹⁸ Where friendship linked friends together, enmity came as the result of a failure of one of the friends to meet an obligation, a Roman legal and social weapon of hate.⁹⁹ Epstein says, “No two individuals hate each other in precisely the same way,” thus requiring the term to “evolve sufficient vagueness to describe myriad different

⁹³ Cicero, *On Friendship* 76.

⁹⁴ Cicero, *On Friendship* 76-78.

⁹⁵ Dionysius of Halicarnassus, *Roman Antiquities* 8.34; Konstan, *Friendship in the Classical World*, 133-34.

⁹⁶ Dionysius of Halicarnassus, *Roman Antiquities* 8.34.

⁹⁷ Saller, *Personal Patronage*, 7.

⁹⁸ David Epstein, *Personal Enmity in Roman Politics: 218 -43 BC* (London: Routledge, 1987), 1.

⁹⁹ Epstein, *Enmity*, 1-2.

relationships, and its meaning must conform to each individual manifestation, and not *vece versa*.”¹⁰⁰ Epstein continues,

Personal hatred among leading figures, and its most important side effects on a society’s political and social developments, are hardly unique to the last two centuries of the Roman Republic. In every society, including our own, public figures have allowed their personal feelings to influence their public behaviour. If the phenomenon of *inimicitiae* (enmity) was at all unique in Rome, it was because Roman politicians who persecuted their *inimicitiae* in office were tolerated by their society, and because the peculiar nature of Roman politics provided such a fertile source of *inimicitiae*. What was distinctive about *inimicitiae* in Roman life was that it was so pervasively and violently pursued.¹⁰¹

Enmity consumed an enormous proportion of the Roman’s energy in social life where “apparently irrational conduct reveals the emotional pitch of submerged *inimicitiae*.”¹⁰² “*Inimici* used a wide variety of weapons, but shared a burning desire for revenge and a unique commitment to the pursuit of private warfare.”¹⁰³ In a society where Jesus’ Sermon on the Mount ethic of “turn the other cheek” sounded strange, Roman obligation and the resolution of conflict inspired a bizarre, animated, passionate response, obligations as the superiority of action being a critical aspect of social resolve and social control.¹⁰⁴

Still, personal relationships were paramount in Roman society. *Inimicitiae* represented another complex characteristic of obligation in Roman social relations. Epstein explains this complexity,

The Roman attitude toward *inimicitiae* was complex and ambivalent. The pursuit of *inimicitiae* and the destruction of one’s enemies was firmly entrenched among those virtues Romans thought necessary for the acquisition of *dignitas*, *virtus*, and status and nobility-qualities the Roman aristocracy pursued from birth. At the same time, the Romans recognised that the single-minded pursuit of personal interests was not compatible with the best interests of the state or of humanity. The Romans sensed a conflict and resolved it only imperfectly, by lame exhortations to *inimici* not to forget the interest of the state or by efforts to control the worst excesses of *inimici* toward

¹⁰⁰ Epstein, *Enmity*, 1.

¹⁰¹ Epstein, *Enmity*, 1.

¹⁰² Epstein, *Enmity*, 2.

¹⁰³ Epstein, *Enmity*, 2.

¹⁰⁴ Epstein, *Enmity*, 2.

each other.¹⁰⁵

Cicero warns of the enmities and the breaking off of friendships which lead to disputes, abuse, and invective as well as the possibility of the “bitter feeling of resentment” and a loss of “honour and fame and delightful tranquillity of mind.”¹⁰⁶ Enmity in that context might lead to an act of revenge.

Revenge in the realm of *inimicitiae* conjured strong emotions and desires that served as “a vital component of the Roman aristocratic ethos.”¹⁰⁷ Romans permitted and even took satisfaction in outrageous behaviour in the context of revenge.¹⁰⁸ The reasons for revenge manifested themselves in numerous venues: to preserve the Roman Republic’s ideals in the dignity of the state; to protect a political or personal reputation; to achieve glory; to maintain and/or increase honour and dignity; to respond to humiliation; to even the score on a family dispute in fulfilment of a long-standing familial duty; and to respond to a broken bond of unfulfilled obligations pursuant of family loyalty.¹⁰⁹ Often legal trials of revenge and counter-revenge resulted with legal convictions.¹¹⁰ “Though Roman defendants were often unable to conduct their own retaliatory prosecutions, especially when they had been convicted and exiled, they might still engage in retaliation through the agency of their sons, other relatives or friends.”¹¹¹ The aristocratic ethos dominated the Roman scene while making it difficult to control the conduct of the aristocracy. “Roman society was never very

¹⁰⁵ Epstein, *Enmity*, 28.

¹⁰⁶ Cicero, *On Friendship* 77-84. Cicero states, “In short; there is but one security and one provision against these ills and annoyances, and that is, neither to enlist your love too quickly nor to fix it on unworthy men.”(79). He also discusses the ambition for advantage in society and the appetite of ambition.

¹⁰⁷ Epstein, *Enmity*, 20.

¹⁰⁸ Epstein, *Enmity*, 9.

¹⁰⁹ Epstein, *Enmity*, 20-24, 114.

¹¹⁰ Epstein, *Enmity*, 115-119.

¹¹¹ Epstein, *Enmity*, 118. Epstein mentions the powerful exercise of *pietas* in family ties, “*Pietas* provided all the incentive a son needed to avenge his father.”

successful, however, in defining acceptable behaviour or in regulating the conduct of its most powerful citizens.”¹¹²

Relationships in Rome in the context of friendship and enmity formed a part of the circle of obligation which helped Rome to facilitate personal conduct, to maintain public order, and it even served as a means of policy in policing and providing societal structure during the expansion of the Roman empire.¹¹³ After all, under Augustus’ rule, “restoring political and social order meant integrating the relevant social groups.”¹¹⁴ Integration in the empire did not take place apart from the primacy of personal social relations and obligations.

4. *Political Aspects of the Resolution of Conflict*

Politics in Rome followed the lead of patronage, friendships, and incurred obligations spurring from other obligations. Patronage bolstered the politics of both the emperor and the elite through their networks and the obligations induced by both friendships and the patron-clients relationships.¹¹⁵ While patronal obligations played a primary role in politics, Roman politics possessed strong historical roots of conquest and war, land acquisition and debt, and conflict incumbent with those issues.¹¹⁶ This historical mentality of conquest and war was embedded into the psyche of Roman politics and life while influencing the first century world so much so that “without the proper mixture of arrogance and ruthlessness no one could attain the highest power.”¹¹⁷ Political enemies “sought not merely to overcome competitors

¹¹² Epstein, *Enmity*, 127.

¹¹³ David Konstan, *Public Order*, 85-119.

¹¹⁴ Konstan, *Public Order*, 85.

¹¹⁵ Garnsey and Saller, *The Roman Empire*, 150. Contra John R. Patterson, *Political Life in the City of Rome*, 59. Patterson questions its importance in politics, noting, “The importance of patronage-relationships in Roman society is evident but what is less clear is how politically important patronage was. Since there are few overt references to patronage in contemporary accounts of the late Republic, it is likely that, although the élite used obligations of patronage to induce social inferiors to vote for them, it was just one technique among many rather than being of unique importance.”

¹¹⁶ M. I. Finley, *Politics in the Ancient World* (Cambridge: Cambridge University Press, 1983), 111-114.

¹¹⁷ Finley, *Politics*, 118.

for leadership but to destroy them, figuratively and sometimes literally.”¹¹⁸ Finley explains the political conflicts, the pursuit of political support, and the critical role of patronage with its underlying obligations,

No matter how closed and solitary the ruling class, its politically ambitious members were compelled to seek continuing support from the mass of the citizenry, and to undermine support for their rivals. In a world that clung to the face-to-face city-state community, no matter how fictitious it became in reality, the most effective way of accomplishing the latter was to break rivals, by moral obloquy, by financial penalties, and, best of all, by physically removing them from the community through exile or death. The combat was highly personal because of the constitutional and governmental machinery. Power did not rest on, or derive from, office or any other formal base. The forums in which it expressed itself constitutionally were large bodies, councils or assemblies, which met frequently and had few restraints on their right of decision-making; hence, the continuous tension in the lives of the leaders. Hence, too, the necessity of building up a personal network, through family alliances and through all possible forms of patronage.¹¹⁹

Roman politics and its influence in daily life appropriated wealth, strength, brutality, exploitation, and “arrogant power drives of individual members of the élite” as a means of achieving political success.¹²⁰ The tension of politics and social relations in daily life between individuals, between an individual and a community, and between politically ambitious competitors were often publicly displayed and felt.¹²¹

Political success for Roman politicians spurred conflict against their rivals and their accompanying networks. Epstein says, “A Roman politician built power and influence through a network of friends, relatives and clients united by the bonds of trust. Any violation or interference with these bonds had the potential for destroying careers and therefore sparked *inimicitiae*.”¹²² As a means of control over another person, enmity, also “a synonym for every form of savagery, a model by which violence can be measured,” was the means by

¹¹⁸ Finley, *Politics*, 118.

¹¹⁹ Finley, *Politics*, 119.

¹²⁰ Finley, *Politics*, 120.

¹²¹ Lendon, *Empire of Honour*, 70.

¹²² Epstein, *Enmity*, 128.

which a more powerful person could suspend all social contact with an enemy, could incite hostile activity, could exile a foe, “the consummate legal injury short of execution,” or provoke fear to influence foes and weaker persons.¹²³ So intense was enmity in Roman society that a person’s reputation could be damaged. “The potential damage of a Roman’s reputation might suffer as a result of becoming reconciled is also apparent in the elaborate attempt to clothe reconciliations in the mantle of patriotism or comparable virtues.”¹²⁴ Furthermore, “the pursuit of one’s *inimici* was not the principal demand of Roman aristocratic society, and would yield with minimal loss of face when it conflicted with higher values.”¹²⁵ *Inimicitiae* allowed the powerful to enforce domination over the weaker elements of society, assumed a “particular force in shaping public conduct,” and, through personal enforcement, produced freedom for reconciling conflict with a bias toward the strong or privileged in society, or at the least “the sanctity of a treaty” or “professions of good faith.”¹²⁶

5. Conflict Resolution

While the legal, social, and political aspects provide a framework to understand conflict resolution, the common chain linking the resolution of conflict is Roman obligation.¹²⁷ When legal, social and political conflicts and tensions arose, always in the context of power and relationships, Roman obligation became the means to resolve the conflict. If the terminology of Roman law, patronage, the *paterfamilias*, friendship, and enmity are discussed in particular, obligation is the common link in the social dynamic of persons relating to one another. Roman obligation itself is highlighted in the resolution of conflict in specific

¹²³ Epstein, *Enmity*, 74, 73-80.

¹²⁴ Epstein, *Enmity*, 8.

¹²⁵ Epstein, *Enmity*, 8.

¹²⁶ Epstein, *Enmity*, 127-9, 5.

¹²⁷ Reasoner, *The Strong and the Weak*, 221. He says, in regard to the controversy in the church, we “should be more ready to look for connections between other parts of Romans and the actual state of affairs in Rome.” Connecting conflict resolution to the state of affairs in Rome and conflict in the church is important to solving the controversy in the church.

circumstances, often in a subjective interpretation by the most powerful, and often informally based on the nature of the relationship. In its simplest terms, there were rules for resolution, but the rules came with a bias toward the strong in society.

While the rules were biased, they were treated with utter seriousness, a matter of life and death, and, in the sense of the Roman “good and morally excellent man,” he “neither contends with anyone, nor, as far as he has power, does he allow others to contend.”¹²⁸ The Romans resolved conflict on the basis of compliance to obligations (no contention) or under forced obligation (nor does he allow others to contend) with the purpose of unity, defined by the term “society” (*societas*). “Society” addresses unity under two Greek terms: concord (ὁμόνοια) and dissension (στάσις): thus, “concord is the ideal, and dissension is the great enemy.”¹²⁹ Concord, also thought of as good government, falls in line with Epictetus and his thoughts of “good order” (εὐτάκτως) and “obedience” (εὐπειθῶς); that is, conflict was resolved when the weaker acted orderly and obeyed the stronger.¹³⁰ “A well-ordered community...comes into being through the human capacity for judgment (*krisis*) in matters of right and wrong.”¹³¹ Dissension (στάσις), or “faction,” occurred when, “those who envy these men for being honoured begin the faction, or these men owing to their superiority are not willing to remain in a position of equality.”¹³² Dissension called for revenge through the implementation of order, that is, conflict was forced in making each man keep “his place in the ranks” and in “making their servant class useful to them not only for the ministrations of daily life but also for war.”¹³³ Clearly conflict resolution in concord through obedience kept

¹²⁸ Epictetus, *Discourses* 4.5.1-2.

¹²⁹ Jeffers, *Conflict at Rome*, 142.

¹³⁰ Epictetus, *Discourses* 3.24.95.

¹³¹ David Cohen, *Law, Violence, and Community in Classical Athens* (Cambridge: Cambridge University Press, 1995), 38; Aristotle, *Politics* 1275a23-5.

¹³² Aristotle, *Politics* 1304a. Aristotle defines a citizen as one who participates in judgments (*krisis*): “A citizen pure and simple is defined by nothing else so much as the right to participate in judicial functions and office.”

¹³³ Josephus, *Jewish War* 3.93; 3.70.

the winners as winners, more superior, and, in dissension, made the stronger winners, victors in a contest of war over their weaker inferiors. Conflict resolution required quick, sound, accurate judgments which “produce love in the household, concord in the state, and peace among the nations.”¹³⁴ The goal of conflict resolution results in unity of spirit (love), purpose (concord) and social relations (peace).

Conflict was more likely to be resolved if there was a commitment to virtue. Cicero discusses conflict and the rules of obligation in the realm of virtue, honour, justice, and orderliness. Embedded in the Roman mind, especially of the élite, was the concept of a “career of honour,” representing both “a source of legitimate social authority, that is, of an authority of people who were brought up to obey,” and a “social sanction” reinforcing a person’s reputation.¹³⁵ Virtue in the mind of the Roman included moral goodness, the concept of the “good man,” and the daily moral right “in the range of our comprehension,” because in the Roman world one’s moral reputation was an integral part of one’s rank in society.”¹³⁶ “Comprehension” tends to have a subjective aspect to it, an aspect that Cicero describes as maintaining progress in “the direction of virtue,” meaning that the virtue influenced decision and action.¹³⁷ Cicero adds, “...duties appeal to all men who have a disposition to virtue.”¹³⁸

Justice also fills the Roman mind when conflicts arise, part of which, when justice is understood, each person “shall be in a position easily to decide what our duty on each occasion is.”¹³⁹ Of justice, three comments by Cicero place conflict resolution in perspective and indicate the challenge Paul faced when writing his Letter to the Romans. First, justice

¹³⁴ Epictetus, *Discourses* 4.5.35-6.

¹³⁵ Cicero, *On Duties* 3.6; Lendon, *Empire of Honour*, 69.

¹³⁶ Cicero, *On Duties* 3.17; Lendon, *Empire of Honour*, 41.

¹³⁷ Cicero, *On Duties* 3.17.

¹³⁸ Cicero, *On Duties* 3.16.

¹³⁹ Cicero, *On Duties* 1.29.

does not dismiss self-interest: “And yet we are not required to sacrifice our own interest and surrender to others what we need for ourselves, but each one should consider his own interests....”¹⁴⁰ Second, justice is often interpreted subjectively according to Roman custom, with an “eye to advantage and the profit of the community.”¹⁴¹ Third, justice did not always mean that the letter of the law was served in its strictest sense, but could be weighed against law based on social position: “More law, less justice,” a concept given within the frame reference of “it is no violation of moral duty to give the greater good precedence over the lesser good.”¹⁴² The decision of what was a greater good over against a lesser good was subjective and became a means of the “greater” to subject the “lesser” to obligation, an obligation giving the advantage to the strong over the weak. Honour, virtue and justice influenced conflict and its resolution.

Another factor that influenced the mind of the Roman in conflict resolution was “orderliness” in Greek εὐταξία, referring to “orderly conduct” in time and place.¹⁴³ Strategic to conflict resolution was orderliness, also known as the “moderation,” a Stoic philosophy indicating “the science of disposing aright everything that is done or said.”¹⁴⁴ Cicero clearly sets forth a foundational plan for conflict resolution in words and deeds, or speech and action, when he discusses orderliness as “the arrangement of things in their suitable and appropriate places.”¹⁴⁵ He continues by describing orderliness as “right placing” in the “right time” under the terms occasion and moderation,

By ‘place of action,’ moreover, they mean the seasonableness of circumstance; and the seasonable circumstance for an action is called in Greek εὐκαιρία, in Latin *occasio* (occasion). So it comes from that in this sense of moderation, which we

¹⁴⁰ Cicero, *On Duties* 3.42.

¹⁴¹ Cicero, *The Invention* 1.68.

¹⁴² Cicero, *On Duties* 1.33; 1.32.

¹⁴³ Cicero, *On Duties* 1.142.

¹⁴⁴ Cicero, *On Duties* 1.142.

¹⁴⁵ Cicero, *On Duties* 1.142.

explain as I have indicated, is the science of doing the right thing at the right time.¹⁴⁶

The key to conflict resolution was making the right decision at the right time, meaning that resolution was often a time-place-occasion requiring a quick decision and demanding the meeting of certain obligations on the spot and in the moment. The Romans themselves were “good calculators of duty” and “able by adding and subtracting to strike a balance correctly and find out just how much is due (*debeatur*) to each individual.”¹⁴⁷ The resolve, however calculated in the context of time-place-occasion-duty, anticipated an action related to the “orderliness of conduct.”¹⁴⁸ Cicero confirms the importance of orderliness in sync with conduct as action by saying, “Such orderliness of conduct, is, therefore, to be observed, that everything in the conduct of our life shall balance and harmonize, as in a finished speech.”¹⁴⁹

Consider “balance and harmony” as two indispensable keys to conflict resolution: (1) “balance” as the hierarchical pattern on the Roman social scale; and (2) “harmony” as the fulfilment of obligations that flowed from reciprocity in social relations based on rank and status in society. “Balance and harmony” in Roman society entered as the hierarchy was accepted and its ensuing obligations performed in action as an occasion arose, two themes that reinforced the machinery of *Pax Romana* and two themes that coerced Roman concord, social cohesion, and apparent unity.

How, then, if the influences of honour, virtue, justice, and orderliness influenced conflict resolution, was conflict actually resolved? Primary to the whole concept of resolution, in line with the Roman hierarchical patterns and social position was the undeniable and clearly defined rank and *persona*, that is, a person’s status (πρόσωπον).

¹⁴⁶ Cicero, *On Duties* 1.142.

¹⁴⁷ Cicero, *On Duties* 1.59.

¹⁴⁸ Cicero, *On Duties* 1.144.

¹⁴⁹ Cicero, *On Duties* 1.144.

Rank was determined by the generally accepted classifications of people based on property ownership, wealth, and a formal, superior position on the social scale or “ladder” of social distinction.¹⁵⁰ Status refers to the “the idea of a legal personality,” literally “a face” or *persona*,¹⁵¹ which “was based on the social estimation of his honour, the perception of those around him as to his prestige.”¹⁵² Occasionally, “contradictions between status and rank gave rise to tensions,” but mostly rank and status obligated social inferiors to a wide range of relationships with interacting obligations.¹⁵³ “Roman law was originally based on status relationships” and Roman law “intended to interfere with the internal aspects of these status relationships as little as possible: *pietas*, *fides*, *reverentia* and the *mores maiorum* were largely relied upon as entirely satisfactory regulatory mechanisms...”¹⁵⁴ The social distinctions of rank and status in these vertical relationships aimed largely at reducing “the incidence of social conflict.”¹⁵⁵ However, once conflicting duties arose and called for a decision, rank and status and class distinctions took “precedence which is demanded by the interest of human society.”¹⁵⁶ Even when rank and status did not reduce social conflict it became a key instrument in resolving it on the basis of subjection because rank implied superior hierarchy and status implied *persona*, the privilege of authority over others,¹⁵⁷ each distinction relishing the role in Roman society of subjecting inferiors.

Once rank and status were determined, then certain rules filtered through the Roman mind, each filter confirming rules of obligation that expected a definite response. Epictetus

¹⁵⁰ Carcopino, *Daily Life in Ancient Rome*, 52.

¹⁵¹ Winter, *Seek the Welfare*, 137-39.

¹⁵² Garnsey and Saller, *The Roman Empire*, 118.

¹⁵³ Garnsey and Saller, *The Roman Empire*, 118-19.

¹⁵⁴ Zimermann, *Law of Obligations*, 350.

¹⁵⁵ Garnsey and Saller, *The Early Principate*, 26.

¹⁵⁶ Cicero, *On Duties* 1.160.

¹⁵⁷ Garnsey and Saller, *The Early Principate*, 3.

says, “Our duties in general are measured by our social relationships.”¹⁵⁸ Cicero adds, “...if we follow that rule in comparing courses of conduct, we shall never swerve from the path of duty.”¹⁵⁹ Every decision related to duty understands good judgment (*krisis*) in social relations and its sequential, hierarchical pattern in social ties: the bonds of human society, the bonds of fellow citizens in the *politeia*, the bonds of household, the bonds of friendship, the bonds of those indebted to you in society, and the absolute, unmitigated commitment to the “common good.”¹⁶⁰ Along with the bonds of “common good,” follow the “established customs (*mores*) and conventions of a community,” such as agree with virtue, honour, and even privilege.¹⁶¹

In regard to the path of duty, referred to in Epictetus as the “principles of duty,” such principles focus on mutual social relations and the fact that nothing should be done “irrationally or contrary to the principles of duty.”¹⁶² These principles are to be “at command,” “ready to be used in any instance,” remembering “who we are, and what is our designation, and must endeavour to direct our actions, in the performance of our duties, to meet the possibilities of our social relations.”¹⁶³ Epictetus emphasizes the “commands” and “prohibitions” commensurate with duty and obligation.¹⁶⁴ The “remembrance” of “who we are,” accordingly, reflects status, rank, the path or principle of duty, obligations and the social ties that create unity by resolving conflict. Epictetus adds, noting a strategy for the time-place-occasion importance of understanding the proper obligatory response in a given situation, “We must remember what is the proper time for song, the proper time for play, and

¹⁵⁸ Epictetus, *Encheiridion* 30.

¹⁵⁹ Cicero, *On Duties* 3.19-20.

¹⁶⁰ Cicero, *On Duties* 3.26.

¹⁶¹ Cicero, *On Duties* 1.148: “But no rules need to be given about what is done in accordance with established customs and conventions of a community: for these are in themselves rules...manners and established customs...by reason of their great and super human virtues that those famous men acquired this special privilege.”

¹⁶² Epictetus, *Discourses* 4.12.16-7.

¹⁶³ Epictetus, *Discourses* 4.12.15.

¹⁶⁴ Epictetus, *Discourses* 3.24.98.

in whose presence; also what will be out of place; lest our companions despise us, and we despise ourselves; when to jest, and whom to laugh at, and to what end to engage in social intercourse, and with whom; and, finally, how to maintain one's proper character in such social intercourse."¹⁶⁵ The path or principles of duty started with a moral obligation and filtered downward in the Roman mind from state, household, friendship, and other categories based upon hierarchy, obligations, and superiority, the stronger possessing a powerful advantage over the weaker in society. Decisions for action and resolution could take place any time and a Roman had to be prepared to respond in action or resolution immediately. The path of duty was a clear calling for action, as mentioned earlier in Cicero's comment on "gradations of duty" (*gradus officiorum*).¹⁶⁶ along the ascending hierarchical scale. The key to resolution, along the lines of "a path of duty," cut paths understood in the realm of Roman obligation's hierarchical pattern, which were "the variety of ways the powerful people in classical society had developed techniques for creating obligation to themselves amongst lesser individuals..."¹⁶⁷ These techniques called for instantaneous decisions influencing resolution.

The path of duty, its techniques for obligation, required a "good faith," a promise based on a code of ethics for a person to keep his word and obligations.¹⁶⁸ Cicero acknowledged that "good faith" (*fides*) is a promise "made good," "the foundation of justice," and "truth and fidelity to promises and agreements."¹⁶⁹ Good faith linked people together in a network of trust, loyalty, and reciprocal relations "reflected in the language of debt associated with *officium*," that is obligation.¹⁷⁰ Cicero comments that good faith procured "a bond,"

¹⁶⁵ Epictetus, *Discourses* 4.12.15-8.

¹⁶⁶ Cicero, *On Duties* 1.160.

¹⁶⁷ Judge, "St. Paul as a Radical Critic of Society," *Interchange* 16 (1973): 196.

¹⁶⁸ Zimmermann, *Law of Obligations*, 69, 350, 415.

¹⁶⁹ Cicero, *On Duties* 1.23.

¹⁷⁰ Saller, *Personal Patronage*, 15.

For our ancestors were of the opinion that no bond was more effective in guaranteeing good faith than an oath. That is clearly proved by the laws of the Twelve Tables, by the 'sacred' laws, by treaties in which good faith is even pledged to enemies, by the investigations made by the censors and the penalties imposed by them; for there were no cases in which they used more rigorous decisions than in the violation of an oath.¹⁷¹

Conflict, disputes and obligations could be "settled by simple assertion under oath."¹⁷² Good faith on the path of duty created a binding obligation not only to social inferiors, but also placed obligations on the superior should an obligation be refused or not performed, an intensely personal, emotional and obligatory response calling for resolution in waves of energy that moved obligations toward peace or war, concord or enmity, obligation in unity or obligation through oppression.

A good Roman of moral character would not deviate from the path of duty or principles of obligation. Epictetus says, "But whenever you deviate from any one of these principles, immediately you suffer loss, and that not from anywhere outside, but from the very nature of the activity (ἐνεργείας)."¹⁷³ Deviation from the path of obligation was unacceptable because it could adversely affect such things as reciprocal relations and a responsive obligation, an aspect of patronage and benefits, and the way to "enforce rules" through reciprocity.¹⁷⁴ Reciprocal obligation "in the extensiveness of the patronage network was a powerful force for social cohesion,"¹⁷⁵ a kind of forced cohesion. A reciprocal obligation might have negative effects, meaning that if a weaker person refuses an obligation to a stronger then the stronger has another obligation to the weaker. Patronage, in Roman obligation, almost never ceased, so that there was "no end to duties...."¹⁷⁶ Benefits, in the context of reciprocity "advertised" inferiority, rules of subordination, and social

¹⁷¹ Cicero, *On Duties* 3.111.

¹⁷² MacMullen, *Roman Social Relations*, 65.

¹⁷³ Epictetus, *Discourses* 4.12.17-8.

¹⁷⁴ Lendon, *Empire of Honour*, 106.

consequences.¹⁷⁷ In fact, Roman obligation, even in conflict resolution, possessed the power of reciprocity and “introduces another aristocratic code.”¹⁷⁸ The refusal of an obligation invited hostility from the stronger or superior. Epstein explains,

The Romans expected *gratia* (gratitude) in return for services rendered. *Gratia* was essential to cement relationships within the pyramids of friends, protégés and clients that dominated the Roman political landscape. Failure to display sufficient *gratia* was a violation of some sort of contract or expectation and occasioned bitter hostility.¹⁷⁹

Such hostility might include moral condemnation, the destruction of a person’s reputation, shame, and other forms of exploitation or extortion based by the more superior person in society.¹⁸⁰ Roman obligation had an exploitive, extortionate, and vindictive side to it for those refusing to remain faithful to their obligations, so much so that those with “prestige stood ready to crush the ungrateful.”¹⁸¹ An observer of the behaviour of the prestigiously superior and the fear of the inferior might conclude this: “the line between corruption and non-corruption is not only extremely difficult to draw but also shifts according to the observer’s ethical system.”¹⁸² Conflict resolution itself bordered on unfair action, corrupt in nature, when the privileged strong exploited the weak in legal proceedings, politics, and, especially, social practice.

¹⁷⁵ Garnsey and Saller, *The Roman Empire*, 146, 201.

¹⁷⁶ Lendon, *Empire of Honour*, 67.

¹⁷⁷ Saller, *Personal Patronage under the Early Empire*, 127. See also A. R. Hands, *Charities and Social Aid*, 50-51. He discusses *euergetism*, reciprocity, benevolence, “the nature of return,” and patronage saying, “The acceptance resolutions of social clubs and political assemblies alike follow almost a set formula in stating the various honours which the donor is to receive in return for his gift...The formula runs to the effect that in recognizing the generosity of the donor the recipients have conferred upon him honours which are not less, but rather more, than the equivalent of his gift. The implication of this was threefold: firstly, that the obliged party had repaid his obligation, as honour demanded, with interest; secondly, that it was now for the donor, both as a matter of material interest and moral obligation, to display his generosity still further; and, thirdly, that others should be inspired to emulate it.”

¹⁷⁸ Lendon, *Empire of Honour*, 63.

¹⁷⁹ Epstein, *Enmity*, 42.

¹⁸⁰ Saller, *Personal Patronage*, 124-7.

¹⁸¹ Lendon, *Empire of Honour*, 158; Finley, *Politics in the Ancient World*, 120. He says, “...it is an indubitable fact that for centuries the Roman state had been an exploitive instrument unique in antiquity in strength, brutality and the scale and reach of the exploitation.”

¹⁸² Finley, *Politics*, 51.

Conflict resolution aimed to fulfil obligations that would result in a peaceful solution through behaviour and conduct. When a peaceful solution ensued it reinforced superiority, it strengthened social ties in their legal, political and social aspects, and it solidified social cohesion. When conflict was resolved unpeacefully, through exile or rejection, like Claudius' edict of AD, or through the harshness of enmity and revenge, it reinforced inferiority, coerced social ties, and resolved conflict, but often masked the underlying tensions in the circuitous, never-ending cycle of obligations in an atmosphere of "irresponsible exploitation."¹⁸³

6. *A Brief Synopsis for Romans 14:1-15:13*

A brief overview is necessary for understanding Roman conflict resolution for a clearer picture of the social and legal implications that will aid an interpretation of Romans 14:1-15:13.¹⁸⁴ Rome's obligation society was based on relationships in the essence of a legal contract with social ties, a complex network of obligations and duties based on rights.¹⁸⁵ Roman culture produced recognised *mores* or customs that "became a positive force of obligation, more akin to statute than some inchoate natural-law sense of morality or right or innate practices."¹⁸⁶ The customs in their "currents of influence" reinforced legal and social superiority, thus accentuating an already present pattern of social hierarchy.¹⁸⁷ Crook refers to custom, not as a source of law, but more as "a guiding principle" of conduct in the realm of Roman honour.¹⁸⁸ The social hierarchy was based on two keys: order and patronage. Order created a stable society, reduced tensions, and enhanced social cohesion."¹⁸⁹ Patronage advocated a patron ("father") who "was a social superior who was supposed to look out for a

¹⁸³ MacMullen, *Roman Social Relations*, 5.

¹⁸⁴ The Latin *Vulgate* uses the verb *debemus* correlative to ὀφείλομεν (Rom 15:1).

¹⁸⁵ Ibbetson, *An Introduction*, 6-10.

¹⁸⁶ Bederman, *Custom as a Source of Law*, 20.

¹⁸⁷ MacMullen, *Romanization*, 24; Crook, *Law and Life*, 24, 27-30.

¹⁸⁸ Crook, *Law and Life*, 27.

¹⁸⁹ Garnsey and Saller, *The Roman Empire*, 107.

set of social inferiors ('clients') who were in turn loyal and supportive."¹⁹⁰ Patronage implied duty to the father (superior) by the client (inferior) and an obligatory debt associated with reciprocal social duties (*officia*) and compliance or obedience or "appropriate behaviour" (*obsequium*).¹⁹¹ As has been shown, the social stratification between the strong and the weak, the superior and inferior duties and behaviours, and the conflict natural to Roman society, could combine to incite conflict and tension.

It is precisely this baggage listed above, some of it societal and possibly emotional, that Paul had to overcome to resolve the conflict between the strong and the weak. It is suggested that an obligation that produced order (the benefits of mutual friendship) and of appropriate behaviour (not enmity) for the Christian community in Rome was what Paul aimed to exploit in Romans 15:1 to resolve conflict.¹⁹²

7. Conclusions

It has been argued that Roman obligation was the means of conflict resolution in Rome's obligation society. The legal, social, and political aspects of Rome's obligation society influenced conflict resolution. The primary influence and the critical tool of conflict resolution, Roman obligation, supplied rules and standards for conflict resolution based on legal dynamics, on reciprocal social ties of friendship and enmity, and on political motivations based on a hierarchical social scale.

Section one in this thesis has examined the various elements of the basis of Rome's obligation society: Roman law, *mores*, the hierarchical pattern, and conflict resolution. Rome's obligation society defined the social superiority of the strong over the weak in the

¹⁹⁰ Riggsby, *Roman Law*, 50.

¹⁹¹ Sandra R. Joshel, *Work, Identity, and Legal Status at Rome: A Study of Occupational Inscriptions* (Norman, Okla.: University of Oklahoma Press, 1992), 33. See also Saller, *Personal Patronage*, 15-21.

¹⁹² Reasoner, *The Strong and the Weak*, 179-86. He discusses friendship, the exchange of good and services, and "the continuing mutuality of obligation."

context of the rules, emotion, and intensely personal nature of Roman obligation. Section two will explore racial conflict in the Roman church, Paul's *prolegomenon* to resolution, a new obligation for the church at Rome, and Paul's establishment of a new model for obligation for the church. Paul's challenge involved innovatively reinterpreting Roman obligation for the strong and the weak in the context of Christian ideals, conventions, and ethics of a radical nature. The next chapter will explore conflict in the Roman church and the problem of polarization that existed.

SECTION TWO:

OBLIGATION IN THE CHRISTIAN COMMUNITY IN ROME

Chapter 5: Conflict in the Roman Church

Introduction

It has been argued that Rome's obligation society had a path of duty by which conflicts were resolved. The challenge of the Roman church is the two-fold crisis of the first-century church: identity and harmony. The church in its early formation had a clear identity based upon Christ. It resolved issues in an effort to find harmony under the cross of Christ. This harmony, as seen from earlier chapters, was more complex than simply asking people to learn to relate to each with respect, kindness, and harmony. MacMullen says, "Access Roman law was the privilege of Roman citizenship, as every reader of St. Paul's life well knows."¹ Leon Morris states it succinctly, "Those converted to Christianity in the first century did not come with minds like empty slates."² Obligations, rights, duties and remedies for conflict filtered through their minds.

What Paul attempted to communicate in Romans 14:1-15:13 is that a new and different obligation had to order conduct in the church and this required adjusting the old prejudices of Augustus and adopting the new principles of Christ. Still, the old prejudices entered into the Roman church and became a part of the untangling of the complex web of relationships which the apostle Paul sought to convey in order to achieve harmony in the church.³ The purpose of this chapter discusses the old prejudices, more exactly, the polarizing conflict in the church in Rome.

¹ Ramsey MacMullen, *Romanization in the Times of Augustus* (New Haven: Yale University Press, 2000), 12.

² Leon Morris, *The Epistle to the Romans* (Grand Rapids: Eerdmans 1997), 477.

³ Reasoner, *The Strong and the Weak*, 64-158. He does a thorough job of discussing food consumption, Sabbath days, and issues surrounding the controversy between the strong and the weak from Romans 14. Two important issues will emerge in this chapter of the thesis: (1) an emphasis on contributing social factors such a "rights" in the realm of Roman obligation; and (2) the role of anti-Semitism in the controversy in the church.

In order to demonstrate conflict as the cultural precedent in the Roman church, this chapter will discuss (1) Paul's challenge; (2) Paul's warning and the crossover of anti-Semitism into the Roman church; (3) the general dichotomy of church conflict and polarization outlined in Romans 14; (4) the specifics of the conflict in the Roman church between the strong and the weak over Sabbath days and food; (5) the unresolved conflict between the strong and the weak and the two ways of approaching the conflict.

1. *Paul's Challenge in the Church in Rome*

Paul's challenge for conflict resolution in the church between the strong and the weak centred upon overcoming the Roman, legal, political, and social expectations related to conflict resolution. His greatest challenge was assisting the church in looking at conflict resolution not through Roman eyes, not through the cultural norms of rank and status, and not through the hierarchical pattern with its downward scale of obligations in relationships.⁴ Obligation appeared systematic, relational, and in the machinery of Roman engineering, innovative, giving rise to sharper distinctions of rank, *ordo*, a path of duty, and reciprocal relations in a "circle of privilege" that purported stability through inequality.⁵

Paul did not want the Romans to view the church as another association (*collegium*) that followed a stratified social pattern. Paul's challenge was to assist the church in looking at conflict resolution through transformed eyes, through spiritual norms that overlooked rank and status because of Christ, and with innovative obligations that would give rise to a fresh spiritual model, one that did not ignore *princeps*, but placed Christ in higher priority calling for a proper ethical response.

⁴ Nguyen. *Christian Identity in Corinth*, 129-51. Nguyen appraises a similar situation in Corinth where Paul's challenge for conflict included overcoming an obsession with *persona*, social stratification, and hierarchy imbedded in Corinthian minds by Roman legal, social and obligatory rights and duties.

⁵ Garnsey and Saller, *The Roman Empire*, 107, 117, 107-25.

Paul's challenge was to overcome the ethics of pure Roman obligation, thus inviting a new ethic based on obligation first and foremost to Christ. Judge sums up Paul's challenge, "The kind of thinking that Paul did belongs to this field [of ethics] precisely because it is *not* systematic, and not derived or related deliberately to other systems of ethics: it is an independent attempt, within the context of current language, ideas and conventions, but beginning from a fresh and radical starting point, to judge the value of things in human life."⁶ Paul's challenge involved the use of the language, idea, and convention of Roman obligation by transforming them into a radical ethic with Christ as the starting and ending point. Paul's challenge included a revolutionary, countercultural, re-ordering of obligation as it was viewed through Roman eyes in social practice so that conflict between the strong and the weak could find a peaceful resolution.

2. *Paul's Warning*

Paul gives four commands in his warning to the church in Rome. Each, according to Moo, appeals to a plea for unity: "Do not condemn one another! (14:1-12); Do not cause your brother to stumble! (14:13-23); Put other people first! (15:1-6); and Receive one another! (15:7-13)."⁷ Schreiner mentions that the structure of these sections is debated,⁸ but undebatable is the fact that Paul exhorts the church. The Greek verbs indicate that the conflict in the church involved condemnation, people causing others to stumble, selfishness, and a lack of Christian reception. Paul warns the church with two negative and two positive commands.⁹ More importantly, he warns them that the secular *mores* established in their minds influenced their actions, conduct, and relationships, but they would not work to create harmony in the church

⁶ Judge, "St. Paul and Socrates," *Interchange* 14 (1973): 111.

⁷ Douglass J. Moo, *The Epistle to the Romans* (Grand Rapids, Michigan: Wm. B. Eerdmans, 1996), 35.

⁸ Thomas R. Schreiner, *Romans* (Grand Rapids: Baker Academic, 1998), 703.

⁹ Epictetus, *Discourses* 3.96-102. He discusses order, obedience, duty, and not abandoning one's "post" (τόξιν) as two keys for the good and excellent man to act upon: commands and prohibitions.

or fulfil the righteousness, peace and joy of the Holy Spirit (Rom 14:17).¹⁰ His warning calls for a new kind of action based upon God's kingdom.

Bryan views Romans 12:1-15:13 as an exhortation (*parainesis*) as the "climax and purpose of his protreptic," with the exhortation of 12:1 inviting the church to adhere to the "communal values" that follow faith and an exhortation signalling what is to come.¹¹ Käsemann sees Romans 14:1-15:13 as a "special exhortation" following the earlier general exhortation.¹² Stuhlmacher identifies the special exhortation in relation to Paul's desire for "mutual acceptance," where the Roman house church was dominated by Gentile Christians but now was to receive with open arms the Jewish Christians after the return of Jews to Rome in the wake of the reversal of the edict of Claudius.¹³ Jewett sees the "sectarian atmosphere" of the early church as one that Paul aimed to unify under Christ "that did not seek 'to erase their subgroup identities.'"¹⁴

Witherington further adds to the context of Romans 14 when he mentions Horace and Cicero:

Horace in *Satires* 1.9.68-72 describes an interesting conversation that transpired in Rome and is of relevance to our discussion of Romans 14. One person refuses to talk to another and adds, "Today is the thirtieth Sabbath. Would you affront the circumcised Jews?" The other replies, "I have no scruples." The first rejoins, "But I have. I am a somewhat weaker brother, one of many. I will talk another day." The discussion clearly links Jewishness or sympathy with Jewishness with being a weaker brother, in the context of Rome. There is, furthermore, the discussion in Cicero's *Tusculan Disputations* 4.26 where he speaks of the morally weak person as one who has intense belief that something ought to be avoided, even though in actuality it cannot be avoided. He calls it 'an act of judging that one has knowledge where one has none.'¹⁵

¹⁰ Bruce W. Winter, *After Paul Left Corinth* (Grand Rapids: Eerdmans, 2001), 43.

¹¹ Bryan, 194.

¹² Käsemann, 364.

¹³ Stuhlmacher, 223.

¹⁴ Jewett, *Romans*, 836; Philip F. Esler, *Conflict and Identity in Romans: The Social Setting of Paul's Letter* (Minneapolis: Fortress, 2003), 352.

¹⁵ Witherington, 333; Cicero, *Tusculan Disputations* 4.26. Horace, *Satires* 1.9.68-72. In a footnote Witherington thanks Charles Talbert for the reference.

Witherington cites Horace and Cicero after acknowledging the Roman *persona* as an underlying contextual theme of Romans. He states, “The Roman *persona*, which included elements of assumed superiority in culture, race, and matters religious, is what Paul must deal with if he is to build a bridge of unity between Jewish and Gentile Christians in Rome.”¹⁶

Conflict required a plan to unify the Jewish and Gentile Christians, but the complexity of cultural underpinnings meant that the bridges went beyond mere Jewish and Gentile barriers. Cicero’s *Tusculan Disputations* illustrates this fact: “So it is true that the passions of ungovernable men are in continual conflict: satisfy one and you have to resist another.”¹⁷ Obligations of one kind or another seemed circuitous and unending. This circle of never-ending obligations clearly adds to the complexity of relationships in the church as well as requiring supernatural resolve.

The conflict between Jews and Gentiles also pointed toward another cultural bias that had infected the church: the crossover of anti-Semitism into the church. Paul warned against anti-Semitism in Romans 11:13-21 and Romans 12:3-4. In the former passage he tells the strong Gentiles to “boast (κατακαυχῶ) not against the branches” (11:18), that is, not to demonstrate prejudice against the Jews. The Latin equivalent of “boasting” is *gloria* (glory), a word intertwined in the culture of obligation. Epstein says “the most fertile source of ruptured friendship among the ruling class, was the universal and ferociously competitive desire for honour and glory (*gloria*).”¹⁸ Romans competed for privilege in an effort to gain wealth, status, and fame while rivalry and ambition influenced the Roman *persona* that led to factions in society and in New

¹⁶ Witherington, 333.

¹⁷ Cicero, *Tusculan Disputations* 5.20.73.

¹⁸ Epstein, *Enmity*, 41; Cicero, *On Friendship* 33-5; Cicero, *Tusculan Disputations* 1.45.109.

Testament churches.¹⁹ The fierce emotion attached to such boasting and glory is difficult to describe.

Clarke writes one “aspect of secular leadership which had been adopted by the Corinthian church was its tendency toward boasting and taking pride in men.”²⁰ He notes that the cultural evidence suggests boasting as a symbol of status, boasting in men, and self-interest, as well as self-praise which included self-display as “an important and accepted aspect of leadership in the Graeco-Roman world.”²¹ Paul’s warns against this kind of display in the church.

Paul outlines the polarizing conflict between the strong and the weak and details the specific cause for the conflict while expressing his warning of concern (Rom 14). The conflict arose over the strong and the weak and their different beliefs about Sabbath feast days and food.

3. *Dichotomy of Church Conflict in Romans 14*

Romans 14 discusses two primary issues facing the church in its endemic social relations: Sabbath days and food. However, three general background issues from Romans 14 must first be addressed: the influence of ethnicity regarding the issues at hand, the practical nature of Roman social relations, and the theology of Paul as he seeks to resolve the conflict.

The influence of ethnicity of the Jew-Gentile struggle had long been a source of contention in the first-century church. The *diaspora*, a term “which was coined by the Septuagint and has been used for centuries with exclusive reference to Jews,” by definition, form “local and translocal identities,” thus they “retain a sense of belonging elsewhere (in memory, myth or longing to return), but also typically

¹⁹ Epstein, *Enmity*, 90; Aristotle, *Politics* 1302a32, 1302b5-20. He says those seeking honour engage in factions to gain shares for themselves with ὕβρις (*hubris*), superiority in arrogance.

²⁰ Andrew Clarke, *Secular and Christian Leadership in Corinth* (Leiden: E. J. Brill, 1993), 95.

²¹ Clarke, *Secular and Christian Leadership*, 99, 95-99; Cicero, *Tusculan Disputations* 2.20.46; 2.27.65.

develop a strong sense of attachments to their present place of belonging.”²² Barclay refers to this clearly as a “double-consciousness,” a “not here-to-stay” mentality that often contributed to “an ambiguity of identity.”²³ His introduction discusses identity, cultural self-expression, power and politics as well as acknowledging the complex “power dynamics.”²⁴ Barclay’s comment on Josephus is worth noting here because it signifies the complexity and paradox of finding a place, belonging, and relating in Roman society and has relevance for Romans 14. Barclay says,

A similar paradox, of acquiescence as the route to self-empowerment, is illustrated in the final essay on “The Politics of Contempt” in Josephus’s apologetic work, *Against Apion*. Rome’s supercilious treatment of “subjugated” nations is here illustrated by her treatment of Egypt and Egyptian religion, and Josephus’s deployment of such negative cultural stereotypes is shown to serve his need to differentiate, as clearly as he can, between Judeans and Egyptians. Tracing this strategy through the skillful rhetoric of *Against Apion*, I suggest that Josephus carefully matches his discourse with the Roman sense of cultural superiority, but does so, paradoxically, precisely to honour and elevate another “subjugated” people, his own Jewish nation. This strategic self-positioning on the Roman cultural map is another example of *diaspora* ambiguity and the creativity it can spawn. While adopting cultural values of his Roman hosts, Josephus uses these to create a foundation for his own cultural tradition. The power dynamics are complex and not resolvable into the common alternative portraits of Josephus as national traitor or fearless advocate for Judaism. In this light, Josephus becomes a particularly interesting example of the complexities and tensions inherent in the *diaspora* condition.²⁵

Barclay may well have been writing about Romans 14 and the dynamic issues of self-empowerment, the entanglements of honour, and the stubborn air of superiority exhibited by the Romans, and possibly, by the Jews.

Josephus, in reference to the practical nature of the dichotomy between Roman law and Jewish laws addresses not only the ethnic challenges, but the practical challenge of double consciousness. He speaks of the passion of the Jews, “And from these laws nothing has the power to deflect us, neither fear of our masters, nor envy of

²² John M. G. Barclay, ed., *Negotiating Diaspora* (London: T & T Clark, 2004), 1-2.

²³ Barclay, ed., *Negotiating Diaspora*, 1-2.

²⁴ Barclay, ed., *Negotiating Diaspora*, 6.

²⁵ Barclay, ed., *Negotiating Diaspora*, 5-6.

the institutions esteemed by other nations. We have trained our courage, not with a view to waging war of self-aggrandizement, but in order to preserve our laws.”²⁶ Josephus also illustrates the complexity of the Gentile population understanding Judaism and Jewishness when he details a story like the one in which a Jew, a lawbreaker forced to leave Israel, arrived in Rome, declared himself an interpreter of Jewish law, and then embezzled money from Fulvia, a woman of high rank whose husband was friend of Tiberius.²⁷ Tiberius “ordered the whole Jewish community to leave Rome.”²⁸ Even pragmatically, in culture and in the church, confusion of consciousness must have entered into the minds of Gentiles who had dealings with Jews.

Practically, a Roman did not struggle with loyalty to the Roman empire or its officials. Roman law and Romanization inbred loyalty into their consciousness. Practically, Jews battled this double consciousness as an issue of loyalty to their own status because, according to Josephus, “when pressure is put upon us to alter our statutes, then we deliberately fight, even against all odds, and hold out under reverses to the last extremity.”²⁹ Contrast this with a Roman sense of law and duty to which Jews were required to follow in the Roman world and their “gradations of duty.”³⁰ For Jews the practical question arises in decision-making and, for Jews who believed in Christ, of loyalties in order of priority on the descending scale: which god or God, and which country, Rome or Israel? For Romans these decisions were clear. For Roman Christians they were also relatively clear. For Jews living in Rome, Jews whom society typically frowned upon, such decisions on the ascending scale created internal dissonance. For Christian Jews the sorting out of priority and the disentangling of

²⁶ Josephus, *Against Apion* 2.271-272.

²⁷ Josephus, *Jewish Antiquities* 18.83-84.

²⁸ Josephus, *Jewish Antiquities* 18.83.

²⁹ Josephus, *Against Apion* 2.272.

³⁰ Cicero, *On Duties* 1.160.

excess baggage required a reordering of priorities on the descending scale. It was complex both ethnically and practically. The complexity became even more complex when the idea of decisions made on this descending scale complicated church life. What were the theological aspects which Paul entertained in his own thinking as he began to write Romans 14?

Paul's theology is set forth in Romans 1 when he speaks of being a "servant of Jesus Christ" (1:1), when he addresses his hearers as the "beloved of God" (1:7), when he speaks of "the mutual faith of both you and me (1:12), and when he identifies himself as a "debtor" (1:14), a word (ὀφειλέτης) indicating from the outset of his letter that he had the language of distinctive Roman obligation in mind (see pp. 22-24). Paul's theology involved a Christocentric approach based on the cross of Christ which solidified identity and demanded harmony (Rom 5:8).³¹ Paul desires to establish (στηριχθῆναι) them to anchor their identity in Christ, an identity one step beyond Jewish-Gentile conflict. Paul aims to create a harmonious church, a mutual faith, invigorated by a sense of not so much Roman political patronage but harmony in the patronal aspects of the household of Christ. Early in Romans Paul is using the language of obligation that indicates two things: "reciprocity and social cohesion."³² Saller indicates that reciprocity became the "lubricant" of patronage and Roman society could hardly conceive of friendship, politics, and households without "reciprocal exchange."³³ Social cohesion, founded on patronage, suggests the language of family, patriarchy, and even property in the Roman family.³⁴ Paul has the

³¹ Demetrius K. Williams, *Enemies of the Cross of Christ: The Terminology of the Cross and Conflict in Philippians* (Sheffield: Sheffield Academic Press, 2002), 236. He views the cross as Paul's "rhetorical weapon" against disunity. He adds, "Thus in Paul's contests with his opponents the 'theology of the cross' is articulated with specific terminology to expose pretense and self-complacency, but at other times to instruct the churches about their unity..."

³² Saller, *Personal Patronage*, 69.

³³ Saller, *Personal Patronage*, 5, 14.

³⁴ Saller, *Patriarchy, Property and Death*, 72.

thought of the church as family (Rom 14), that is, central to his letter is that Christ is the head of the church, Christ the head of his family and such a family that requires the meeting of reciprocal obligations in the spirit of Christ.³⁵

Paul uses the familial word “brothers” twelve times in Romans, indicating relevance to the language of patronage and family.³⁶ Winter addresses Paul’s inverted use of patronage for his purposes in creating harmony in the church at Corinth. His comments serve our purposes here in the discussion of familial language:

Under Paul patronage values had been inverted, with a patron and patroness now serving people without respect for their *persona* and their usefulness for any personal political aspirations typical of patronage. The assistance and acknowledgement that Paul sought for both was again transformed by the very nature of the Christian community whose members Paul addresses as “brothers” or “beloved brothers” in *familia* language that was only reserved in Roman society for siblings, either born in the family or adopted. They were no longer fawning and flattering parasites of private patrons, subservient to their ambitions and daily agendas, but were family-the family of God.³⁷

Winter’s assertion for Corinth is equally true for Paul’s letter to the Romans. Paul’s theology for Christians, both Jews and Gentiles, focuses on the principle that the church is God’s family first and foremost regardless of race, social status, or any other categorical designation society might want to pin on an individual or a group. Paul’s theology included old *mores* given new meaning, ones with Christ as head and his family intertwined in obligations of service.

4. *Conflict Described in Romans 14*

Paul describes the conflict clearly in Romans 14 by discussing the question of Sabbath days and food, when to meet and what to eat. The real issue, however, is the

³⁵ David L. Balch, *Let Wives Be Submissive: The Domestic Code in I Peter* (Chico, Calif.: Scholars Press, 1981). He discusses the Roman household code in relation to I Peter 3:1-6. An argument could also be made that Paul uses the household code as a guideline when writing his Christian household code in Ephesians 5:15-6:1-9, thus confirming Paul’s interest in his epistles in the important Roman aspects of *domus*, family, and patronage as a key link to identity and harmony in the churches, especially at Rome.

³⁶ Rom 1:13; 7:4; 8:12; 8:29; 9:3; 10:1; 11:25; 12:1; 15:14; 15:30; 16:17.

³⁷ Winter, *After Paul Left Corinth*, 203.

conflict between the strong and the weak. Schreiner says that “many scholars concur that Romans 14-15 is addressed to a specific situation in the Roman community.”³⁸ Witherington says that “Paul saved the most controversial ethical matter until the end of his ethical arguments.”³⁹ He adds that Paul is using “an effective rhetorical technique and allows the rhetor to gain assent on lesser matters from the audience and build up momentum for the more difficult issues.”⁴⁰ In Romans 14 Paul is gaining momentum on the path to his last and final argument which he will present in Romans 15.

Who were the strong and who are the weak has already been discussed in the introduction of this thesis. The strong and the weak are used as strategic categories designating two groups in the church at Rome.⁴¹ The strong were “primarily” Gentiles, although “there were probably some Jews, perhaps Priscilla and Aquila” who adopted Paul’s agreement with the strong, who were not concerned about Sabbath days and food as it relates to the church and heir relationship with Christ.⁴² The weak were primarily Jews, although it is plausible that a few Gentile proselytes, “God-fearers,” were intermingled.⁴³ Martin Luther says of the strong and the weak, “Consider in the first place the social orders.”⁴⁴ When cognizance is taken of the social orders, the strong included primarily Gentiles and a few Jews who may well have been some wealthy individuals, patrons, benefactors who had their circle of

³⁸ Schreiner, 706.

³⁹ Witherington, 325.

⁴⁰ Witherington, 325. He quotes Aristotle by noting “the deliberative orator ‘aims at establishing the expediency or harmfulness of a proposed course of action: if he urges its rejection he does so on the ground that it will do no harm’ (Aristotle, *Rhetoric* 1.3.21-15).” He also comments on Paul’s desire for unity in the church; “The rhetoric of concord is found throughout this argument in a very clear way” (p. 327).

⁴¹ *Contra* Francis Watson, “Two Roman Congregations: Romans 14:1-15:13” (ed. Karl P. Donfried; in *The Romans Debate: Revised and Expanded Edition* (Edinburgh: T & T Clark, 1991), 203-15.

⁴² Schreiner, *Romans*, 707. Schreiner presents an excellent discussion of the views on the strong and the weak.

⁴³ Schreiner, *Romans*, 707.

⁴⁴ Martin Luther, “Lectures on Romans: Glosses and Scholia,” *Luther’s Works*, vol. 25 (ed. Hilton C. Oswald; St. Louis: Concordia Publishing House, 1972), 509.

friends and weaker individuals under obligation to them. When cognizance is taken of the social orders, the primarily Jewish weak may well have been poor, those persons under obligation to patrons and indebted to the more elite both in society and, possibly, in the church. The nexus of relationships in the social orders meant that no societal, no ethnical, no pragmatism or no legal tendencies in Roman society pointed toward the strong and the weak mixing without racial baggage, consideration of social status, or obligations, in its strictest Roman, legal sense. Garnsey and Saller comment: "Roman rule accentuated rather than broke down the divisions between city and country, rich and poor, local élites and the urban and rural masses."⁴⁵

Paul introduces the term "weak in faith" (Rom 14:1) in the discussion. The "weak in faith" were weak both in faith and socially. New Testament scholars discuss the "weak in faith." Nanos discusses the "weak in faith" as "non-Christian Jews..." and "that Paul's intention toward 'the weak' was to change their 'faith' to a faith in Jesus as the Christ."⁴⁶ This concept seems improbable because Paul uses "brothers" thirteen times in Romans.⁴⁷ Käsemann acknowledges one view of the "weak in faith" as Gentile Christians with a reference to their pagan religious practices of things like vegetarianism, abstinence from wine and astrological beliefs in lucky and unlucky days based on a fear of demons.⁴⁸ However, he calls this "quite unlikely."⁴⁹ Along with Barrett and Murray, Käsemann views the "weak in faith" as Jewish-Christian minority "were constantly fed by the pagan environment and by the group of god-fearers surrounding the Diaspora synagogue."⁵⁰ Cranfield, Stuhlmacher, and Witherington view the "weak in faith" as Jewish Christians who were concerned

⁴⁵ Garnsey and Saller, *The Roman Empire*, 203.

⁴⁶ Nanos, 151, 85-165.

⁴⁷ See Schreiner, 707 n. 7.

⁴⁸ Käsemann, 368.

⁴⁹ Käsemann, 368.

⁵⁰ Käsemann, 368; Barrett, 236; Murray, vol. 2: 174.

about kosher food and “ceremonial requirements.”⁵¹ This thought seems plausible because of Paul’s use of words indicating Jewish food laws (κοινόν, Rom 14:14; καθαρά, Rom 14:20).⁵²

Scholars also express general spiritual sentiments about the “weak in faith.” Sanday and Headlam say the weakness “means an inadequate grasp of the great principle of salvation by faith in Christ...”⁵³ Dunn sees the weakness as a false trust in ethnic identity and weakness in the flesh, that is, “a ‘fleshly’ attitude.”⁵⁴ Fitzmyer says of the weak, “Such persons have not really grasped what is meant by the uprightness through faith and have sought assurances through added practices.”⁵⁵ Morris adds that Paul “has in mind one who does not understand the conduct implied by faith; perhaps he is the person whose faith is ineffective.”⁵⁶

Witherington indicates the social implications of the “weak in faith” by noting that “these Jewish Christians were of poor or lower social status...thus might be undoubtedly looked down upon, both for their foreignness and their supposed poverty.”⁵⁷ Jewett follows a similar line of thinking as he discusses the “weak in faith” in terms of social or economic inferiority, a “negative epithet imposed on the subordinate members of the congregation,” and he contrasts the weak with those “in a more dominant position.”⁵⁸ It is hard to know if Moo speaks of social hierarchy, but he does ask a question in somewhat legal terms, “Who has the right to assess the

⁵¹ Cranfield, 2:695-6; Stuhlmacher, 219-20; Witherington, 333-5.

⁵² Cranfield, 2:696.

⁵³ Sanday and Headlam, 384.

⁵⁴ Dunn, 2: 797.

⁵⁵ Fitzmyer, 688.

⁵⁶ Morris, 477.

⁵⁷ Witherington, 335. He also mentions “one hierarchical position to be concerned about, that is, with his or her master-Christ” (p. 335).

⁵⁸ Jewett, 834-35.

believer's status and conduct?"⁵⁹ The "weak in faith" obviously found themselves in an inferior position in the church.

It is safe to assume also that when it came to the strong and the weak in the church at Rome, Roman rule, superiority, social hierarchy, and obligation contributed to clearly marked lines of social distinction and encouraged, rather than discouraged, divisions between the strong and the weak.⁶⁰ These divisions frustrated Paul, his debt (Rom 1:14) to the church, his own theology which he is arguing in sequential logic, and his desire to correct the error within the church.

What was the strong's theological judgment versus Jewish piety and what was the weak's theological judgment based on restraints of Jewish law and tradition with regard to food and Sabbath days?

i. The weak's theological judgment

Paul begins Romans 14:1 by speaking of the "weak in faith," thus identifying them with the weak as a category of people in the church at Rome (τὸν δὲ ἀσθενοῦντα τῇ πίστει).⁶¹ Barrett says that their weakness "attests to a failure to grasp the fundamental principle, which page after page of this epistle emphasizes, that men are justified and reconciled to God not by vegetarianism, sabbatarianism, or teetotalism, but by faith alone..."⁶² Cranfield says, "It is evident that, as well as being weak in the faith, they were also weak in character, people who, though prone to indulge in censoriousness with regard to their fellow Christians, were fundamentally timid."⁶³ Cranfield further adds that "they were liable to yield social pressure and...their

⁵⁹ Moo, 833.

⁶⁰ See also Jewett, *Romans*, 835; Esler, *Conflict and Community*, 341. Of the strong and the weak in the church each sees one "subordinate group" and another in a "dominant position."

⁶¹ For a discussion of other scholars on other thoughts regarding the weak, "a relic of pagan religion" and "syncretistic religion," see Käsemann, 367-68.

⁶² Barrett, 256.

⁶³ Cranfield, 2:691 n. 3.

integrity as persons was at risk.”⁶⁴ On the contrary, the weak struggled with conscience and desire to please God, desiring to have high character and integrity as persons. Josephus confirms this, stating, that the Jews know their law and that “unity and identity of religious belief, perfect uniformity in habits and customs, produce a very beautiful concord in human character.”⁶⁵ Paul is aware of this struggle of conscience, is sensitive to the weak, concerned to carefully use words to “inculcate behaviour that unites” and, consequently, makes use of a “rhetorical technique” with a “rhetorical pattern” in his words that insists that the “character of his discourse, in both its theological and ethical dimensions and parts, is intended to persuade the Roman Christians to take a particular course of action to unite and build up the body of Christ in Rome...”⁶⁶ Paul appears to address the weak from his own position of concern, love, and with his greater interest in God’s kingdom and his church, not from the position of a harsh critic.

It is important to begin with the weak’s theological judgment because the strong have no argument without the weak’s beliefs, tendencies in conduct, and tradition. Schreiner notes that “the main issue is how Jewish and Gentile Christians could enjoy table fellowship together since they differed on which foods were permissible.”⁶⁷ The weak, Jewish in background and context held to the Jewish practice of abstaining from pork and practicing vegetarianism. Judge says that the Roman contemporaries of Seneca and Paul found it “challenging,” even strange that Jews practiced such rites and customs (*mores*), and that “their daily life was the

⁶⁴ Cranfield, 2:691 n. 3.

⁶⁵ Josephus, *Against Apion* 2, 179.

⁶⁶ Witherington, 325, 328.

⁶⁷ Schreiner, 708. Michelle Slee. *The Church in Antioch in the First Century CE: Communion and Conflict* (London: Sheffield Academic Press, 2003), 164. Slee notes that “Jewish-Gentile table fellowship” was a critical issue in the early churches (p. 164).

conscious replication and commemoration of the historical experience of the people.”⁶⁸ Judge states,

The philosopher Seneca reveals (*Epistles*, 108:22) that in his youth he had gone in for vegetarianism, but stopped when it was in danger of being taken as loyalty to “some foreign rites,” that were “at that time (*sc.* AD 19?) being inaugurated.” In a lost work he later criticized the popularity of Jewish practice, especially the waste of one day in seven (cited in Augustine, *City of God*, 6.11):

The customs of this vicious race have gained such influence that they are now received throughout the world... The Jews, however, are aware of the origin and meaning of their rites. The greater part of the people go through a ritual not knowing why they do so. This is clear recognition (and by a highly competent observer) of the distinctive character and interest of Jewish tradition.⁶⁹

Philo gives insight into the Jewish recognition from which meats to abstain, “based on two signs, the parted hoof and the chewing of the cud,” adding that “any kind which lacks both or one of these is unclean (ἀκάθαρτα).”⁷⁰ Garnsey quotes the *Letter of Aristaeus to Philocrates* saying, “The parting of the hoof and division of the foot ‘symbolise discrimination in our every action with a view to what is right’; while ‘chewing the cud’ stands for the gift of memory, ‘calling to mind life and existence’, or ‘what the Lord has wrought in you.’”⁷¹ Philo alludes to the fact of “purification” in regard to sacrifice, a purity that, no doubt, was riveted to the Jewish mindset and a key to other issues relating to Jewish custom and practice based on Old Testament Levitical rules.⁷² For the weak, purification and kosher food served the rite of purification and was “the logic of a revealed religion,” and, “upon its premises, any other attitude is *ipso facto* a rejection of the religion and of God who is its author.”⁷³

⁶⁸ Judge, “Judaism and the Rise of Christianity,” *TynB* 45 (1994): 358.

⁶⁹ Judge, “Judaism and the Rise of Christianity,” *TynB* 45 (1994): 358.

⁷⁰ Philo, *Special Laws*, 4.106.

⁷¹ Peter Garnsey, *Food and Society in Classical Antiquity* (Cambridge: Cambridge University Press, 1999), 92; *Letters of Aristaeus to Philocrates*, 120-81.

⁷² Philo, *Special Laws*, 1.254.6; 1.268.4; 3.144.2. Also the OT book of Leviticus lays out negative rules (chs. 1-17) and positive rules (chs. 18-26), discussing meat in chs. 7 and 11 and the Sabbath in ch. 25. See also Deut. 14:1-21.

⁷³ George Foot Moore, *Judaism in the First Centuries of the Christian Era: the Age of the Tannaim* 3 vols. Cambridge, Mass.: Harvard University Press, 1927), 1.77.

The double consciousness of Jewishness and Roman society struggled to find concord for the weak in their thought and in practice both in Roman society and in the church.

The Jewish tradition based on Old Testament law, did not forbid the eating of all meat,⁷⁴ so why were the weak abstaining from meat? Winter notes that “kosher meat was one such Jewish need, indeed a Jewish law, a custom derived from the Torah and a critical factor in what it meant to be a Jew in the Diaspora.”⁷⁵ Winter discusses the meat market in Corinth, and a similar situation may well have been true of the meat markets in Rome, that is, with the Jews returning to Rome after the loosening of the Claudian edict of expulsion in AD 49, drawing a conclusion that “official provision would also have to be made in the market complex for the Jewish community to secure kosher meat and foods.”⁷⁶ More will be said about this later in this section. The challenge of securing meat that met the standards of the weak’s concept of holiness forced them to take no risks in purchasing meat in the marketplace, thus abstention from meat, not for ascetic reasons or any other reason,⁷⁷ but for the sake of religious purity, led them to abstain.

The weak also possessed in their double consciousness a commitment to the Jewish practice of keeping a Sabbath day (Rom 14:5), a day of rest valuing one day over another, a day regarded as unto the Lord. Most scholars accept that Paul is addressing the Jew-Gentile issue and the Sabbath day and its practice was clearly the meaning of Paul’s reference in verse 14:5, citing “that Paul is simply introducing another example of the controversy between the strong and the weak.”⁷⁸ Two other

⁷⁴ Witherington, 334.

⁷⁵ Winter, *After Paul Left Corinth*, 293.

⁷⁶ Winter, *After Paul Left Corinth*, 295.

⁷⁷ Garnsey, *Food and Society*, 85-99. Garnsey discusses food issues: abstention, self-denial, and Christian asceticism. Of special note, “Abstention from particular foods, especially meat, was practiced by some individuals and sects with a philosophical or religious orientation from the late Greek archaic period to late antiquity” (p. 85).

⁷⁸ Cranfield, 2:704.

views have been considered concerning verse 14:5, the first connecting to verses 2 and 5 a reference to “the observance of particular days as days of abstinence (this view was generally taken by ancient interpreters)”⁷⁹ and “the observance of fasts and feasts on the basis of a law that rules the cosmos,” under a presupposed religious (astrological?) calendar, meaning the “days stand under lucky or unlucky stars.”⁸⁰ Given the flavour of Jewishness in Paul’s words in these verses, the Old Testament Mosaic code with the decalogue’s reference to the holiness of the Sabbath best fits Paul’s meaning here.⁸¹ As with food laws so also with the Sabbath day, “the overall aim...of the Mosaic code as a whole, is transparently the preservation of the holiness of a people chosen by God and separate from all other peoples.”⁸²

In wider Roman culture there was confusion and even mockery made of Jewish Sabbath regulations. Josephus quotes Agatharchides,

The people known as Jews, who inhabit the most strongly fortified cities, called by the natives of Jerusalem, have a custom of abstaining from work every seventh day; on those occasions they neither bear arms or take any agricultural operations in hand, nor engage in any other form of public service, but pray with outstretched hands in the temples until the evening. Consequently, because the inhabitants, instead of protecting their city preserved in their folly, Ptolemy, son Lagus, was allowed to enter with his army; the country was thus given over to a cruel master, and the defect of a practise enjoined by law was exposed. That experience has taught the whole world, except that nation, ...traditional fancies about the law, until its difficulties are such as baffle human reason.⁸³

Josephus further adds, “Agatharchides finds such conduct ridiculous; dispassionate critics will consider it a highly grand and highly meritorious fact that there are men who consistently care more for the observance of their laws and for their religion than

⁷⁹ Cranfield, 2:704.

⁸⁰ Käsemann, 370.

⁸¹ Exodus 16:23.

⁸² Garnsey, *Food and Society*, 91-92; Käsemann, 369, agrees, “By religious descent Jewish-Christians are committed to observance of a fixed tradition which is ultimately related to a law of holiness.”

⁸³ Josephus, *Against Apion* 1.209-12.

for their own lives and country.”⁸⁴ The concept to some Gentiles that Jews in their religious ritual were so committed to their beliefs seemed “folly,” defective, a “fancy,” and “baffling to human reason.”⁸⁵ The double consciousness in the mind and conscience of a weak Jewish Christian only created baffling confusion for a strong Gentile Christian in the church in Rome, further increasing divisions and tensions.

One interesting note about the weak’s Sabbath ritual comes from Margaret Williams who suggests that Sabbath fasting was an “expression of Romano-Jewish identity.”⁸⁶ She states,

Unlike the Jewish communities of the Greek East (e.g. those of Alexandria and Antioch of the Orontes), which arose for the most part out of voluntary settlement, the early Jewish settlement at Rome was different, being mainly comprised of prisoners of war, brought to Rome as slaves after Pompey’s conquest of Judaea in 63 BCE and Sosius’s recapture of Jerusalem from the Parthians in 37 BCE. Militarily, both the original conquest and later recovery of Judaea for Rome were major achievements, earning for each of the generals concerned a triumph in Rome and a place, quite literally, in the history books. It is from those works of history that we can deduce why the Sabbath became for the Jews of Rome a day of sorrow and repentance rather than a day of joy and thanksgiving.⁸⁷

She adds that life for “the early members of the Jewish community was anything but normal,” Sabbath-keeping became not only Jewish ritual, but also a day of “particularly painful associations,” as well as a “sorrowful foundation day” for their community, a day of penitence, sadness, and a way of invoking God’s compassion.⁸⁸ Her comment is important because Paul’s message to the weak and the strong was presented in light of the glory of the kingdom of God, according to Romans 14:17, not in meat and drink, but righteousness, joy, and peace. Paul’s underlying message of

⁸⁴ Josephus, *Against Apion* 1.212.

⁸⁵ Josephus, *Against Apion* 1.209-12.

⁸⁶ Margaret Williams, “Being a Jew in Rome: Sabbath Fasting as an Expression of Romano-Jewish Identity,” *Negotiating Diaspora*, 8.

⁸⁷ Barclay, ed., *Negotiating Diaspora*, 16.

⁸⁸ Williams, “Being a Jew in Rome,” *Negotiating Diaspora*, 16. She notes, “On fasting as a means of commemorating critical events and as a way of averting or terminating calamity by eliciting God’s compassion, see ‘Fasting and Fast days’ in *EncJud* 6, cols. 1189-96.” This type of fasting is seen in Ezra 8:21-3; Psalm 69; and Isaiah 58:5-11.

respect and tolerance that he wished to communicate to the church at Rome came through an understanding of God's kingdom and the joy associated with it. Was he also saying to the weak, in a subtle, gentle way, that to experience salvation in Christ is to discover the righteousness, peace, and joy he truly offers in harmony with other Christians whose opinions differ?

One other mysterious issue persists in Romans 14 and that is the reference to drink in Romans 14:17, later mentioned as "nor to drink wine" in Romans 14:21, in the theological judgment of the weak. Paul indicates that not only do Jews practise Sabbath-days, they also do not drink wine. Since abstention from wine was not commanded in the Old Testament as a part of Jewish religion, then why did the weak abstain from drinking wine? Das explains, "Longstanding Jewish custom prevented the Law-observant from partaking of the meat and wine of non-Law observant Gentiles," thus 'this well-established custom was probably a safe-guard to avoid anything that might have been sacrificed to pagan deities.'⁸⁹ The weak in their Jewish Christian conscience, holiness, and conduct did not want to be tainted at all by anything impure or, for that matter, pagan. The meat market, an important element, although unmentioned in the text of Romans 14, where meat and wine were purchased, and where impure meat and wine possibly offered to idols might have been purchased, serves as a key to understanding this abstention.⁹⁰ The weak's theological judgment maintained its purity to Old Testament law through abstaining from certain foods, wine, and in keeping Sabbaths.

⁸⁹ A. Andrew Das, *Solving the Romans Debate*, 113; See Philip F. Esler's discussion of this point in *Galatians*, 93-116, and his interaction with E. P. Sanders's, *Jewish Law from Jesus to the Mishnah: five Studies* (Philadelphia: Trinity Press, 1990), 272-83, and E. P. Sanders, "Jewish Associations with Gentiles and Galatians 2.11-14," in *The Conversation Continues; Studies in Paul in Honour of J. Louis Martyn* (ed. R. T. Fortna and B. R. Gaventa; Nashville: Abingdon, 1990), 170-88. Das appears to miss more serious issues concerning the meat market.

⁹⁰ Winter, *After Paul Left Corinth*, 293-95.

ii. *The strong's theological judgment*

The strong's theological judgment was simply "that [since] He (the Messiah) who is the goal and substance and innermost being of the OT law has come, the ceremonial part of it no longer requires it to be obeyed literally."⁹¹ The strong are "completely uninhibited by relics of a pagan or Jewish past,"⁹² practising in their spiritual mindset and conduct "Christian freedom,"⁹³ and, living, in "Paul's view [who sides with the strong's theological judgment], in the realm where differences of opinion about lifestyle are fine but should not be allowed to create disunity in the body of Christ."⁹⁴ The strong are "unencumbered" to the questions of food and Sabbath days, not only because of the freedom they possessed in Christ, but also because as a Gentile (Christian) who might not know of, understand, or keep Jewish concepts such as the Sabbath.⁹⁵

When it came to food, wine, and Sabbath-days, the Gentile Christians saw no reason to abstain from certain foods or wine or to keep the Sabbath as a Jewish ritual. The Gentile world customarily lived in a Roman world where eating and drinking were commonplace. Garnsey states, "Ceremonial eating and drinking are a conspicuous feature of ancient society."⁹⁶ Graeco-Roman society, dating back to Plato's *Symposium*, "a post-eating stage of a banquet during which drinking for pleasure took place, ...had social and political as well as cultural significance."⁹⁷

⁹¹ Cranfield, 2:697.

⁹² Barrett, 257.

⁹³ Käsemann, 368.

⁹⁴ Witherington, 334.

⁹⁵ Stuhlmacher, 224.

⁹⁶ Garnsey, *Food and Society*, 128.

⁹⁷ Garnsey, *Food and Society*, 129; Plato, *Laws* 1.641. Plato identifies the *symposium* as "a wine party." Later in the same discussion Plato says, "You are implying, my friend, as it seems to us, that the convivial gathering (κοινων διαιτριβήν), when rightly conducted, is an important element in education." Garnsey (*Food and Society*) discusses *convivium* and its social implications of status, power, and inequality (p. 136).

The Romans had dinner parties, civic banquets, client dinners, and meals that brought families, friends, patrons, associations, politicians, and other groups of people together for conversation, posturing, and communication, so much so that in Graeco-Roman society “you are with whom you eat.”⁹⁸ As has already been mentioned in this thesis, when eating and drinking, many hosts of dinner parties seated guests, “placing and feeding their guests according to status,” in a hierarchical scale.⁹⁹ Social barriers between the strong and the weak were recognized by the guests; and even when social barriers were “ostentatiously lowered and normal social conventions relaxed,” there was still “tension.”¹⁰⁰ This is important because the Gentile strong to whom Paul addressed Romans 14 also possessed their own unique brand of double consciousness, a mindset of the Roman world in which they lived and the way of faith in Christ and its reinterpretation of basic social function for believers to relate properly in the church.

While eating and drinking and “dining with friends was an established social and cultural institution in Rome, part of the normal routine of life,” Graeco-Roman societies “were relatively free from taboos and restrictive regulations regarding food.”¹⁰¹ Biblical scholars often rightly speak of asceticism, of alternative practices of vegetarianism, and abstinence from wine based on Hellenistic Gentile religion,¹⁰² even “metempsychosis”¹⁰³ or “pagan superstition,”¹⁰⁴ but as a rule this seems to include a relatively small number of people compared to wider Roman culture.

⁹⁸ Garnsey, *Food and Society*, 128.

⁹⁹ Garnsey, *Food and Society*, 137.

¹⁰⁰ Garnsey, *Food and Society*, 137.

¹⁰¹ Garnsey, *Food and Society*, 83, 136; Jewett, *Romans*, 839-40. Jewett appraises Roman culture as trained to “judge,” so here, in regard to food or anything else, Paul is exhorting them not to judge their fellow Christians because “this places them in the shameful status of moral condemnation that God is expected to inflict” (839).

¹⁰² Käsemann, 368. Schreiner, 714-15; Barrett, 237.

¹⁰³ Cranfield, 2:693 n. 5; Plato, *Lg.* 6.782c. Cranfield discusses the “adherents of Orphism.”

¹⁰⁴ Schreiner, 714; Reasoner, *The Strong and the Weak*, 163-74. Reasoner discusses “superstition as a workable explanation for some symptoms of the ‘weak’ party” (p. 163).

Garnsey notes that paganism “had an ascetic fringe,” but relatively “few demands were made by pagan cults on their followers” and what demands were made were focused on ritual and the priests associated with them.¹⁰⁵ Barrett concludes, “It is impossible to pick out from the many examples of religious scrupulosity to be found in antiquity any single group of persons corresponding exactly with those described here by Paul.”¹⁰⁶

It is safe to say that Paul’s focus, in Romans 14, is primarily on Jew-Gentile issues regarding the strong and the weak, so the food discussion in Romans appears to focus on Jewish practice and Gentile non-practice of abstention to food and wine. Unquestionably, eating and drinking and eating and meeting together were not matters to be taken lightly by Jews or Romans as a social function of society because “large or small, these displays of commensality or collective consumption carried significance well beyond the nutritional function of the meal that was consumed.”¹⁰⁷ A part of the significance lay in the obligations of the host and the social division in meal settings along with the tension created by social distinction.

The strong viewed Sabbath days as an unnecessary activity because of their strong belief in freedom of conscience. Ziesler notes that the two main interpretations of Sabbath days were: (1) the Sabbath, “perhaps taken with other Jewish holy days,” and (2) a reference to “pagan and propitious and unpropitious days, a distinction perhaps based on astrology.”¹⁰⁸ Schreiner says with regard to the Sabbath, “Paul would not have been sympathetic with pagan superstition; he would have rejected it out of hand.”¹⁰⁹ Stuhlmacher notes that of a particular holy day of the week, the “problem presents itself not only in Rome, but also, as Gal. 4:10 and Col. 2:16 show,

¹⁰⁵ Garnsey, *Food and Society*, 98.

¹⁰⁶ Barrett, 257.

¹⁰⁷ Garnsey, *Food and Society*, 128.

¹⁰⁸ Ziesler, 329.

¹⁰⁹ Schreiner, 715.

in other churches of Paul as well;" further noting that "there can be no systematic adoption of all the commandments of the Decalogue!"¹¹⁰

Literary sources provide insight into the nature of Graeco-Roman attitudes toward the concept of a Sabbath day. Juvenal in *Satire* 14 reflects the general attitude:

Some happen to have been dealt a father who respects the Sabbath. They worship nothing except clouds and spirit of the sky. They think there is no difference between pork, which their fathers abstained from, and human flesh. In time they get rid of their foreskins. And their habits of despising the laws of Rome, they study, observe, and revere the Judaic code, as handed down by Moses in his mystic scroll, which tells them not to show the way to anyone except a fellow worshiper and if asked, to take only the circumcised to the fountain. But it's their fathers who are to blame, taking every seventh day as a day of laziness and separate from ordinary life.¹¹¹

Tacitus records that the Jews "first chose to rest on the seventh day because it ended their toils; but after a time were led by charms of indolence to give over the seventh year as well to inactivity."¹¹² He adds in a negative, prejudicial tone, calling them "the worst rascals," that the "customs of the Jews are base and abominable, and owe their persistence to their depravity."¹¹³ Seneca speaks condescendingly of Jewish worship when he says, "But let us forbid lamps to be lighted on the Sabbath, since the gods do not need light, neither do men take pleasure in soot."¹¹⁴ Williams notes, "To Romans, the Sabbath was "quintessentially alien," writers were "deeply conservative and hence highly suspicious of foreign practices," and a "critical attitude" toward Jewish Sabbath keeping was to be expected.¹¹⁵ Gentiles in the church carried this kind of baggage attitudinally toward Jews, most likely in their general perceptions and in their social connections.

¹¹⁰ Stuhlmacher, 224.

¹¹¹ Juvenal, *Satires* 14, 96-106.

¹¹² Tacitus, *Histories* 5.4.

¹¹³ Tacitus, *Histories* 5.5.

¹¹⁴ Seneca, *Moral Epistles*, 95.7.

¹¹⁵ Williams, "Being a Jew in Rome," *Negotiating Diaspora*, 10.

iii. Contributing social factors and Roman obligation

Roman law and obligation, not being far from the psyche of both Gentile and Jewish Christians, established a precedent that caused people in Roman society to be concerned with their rights, dignity, duties, and advantage, “the source of a legal privilege...derived from political position or influence, style of life (character, moral values, education, etc.), and wealth.”¹¹⁶ Consequently, three other social factors, each impacted by Roman obligation, influenced the background conflict in Romans 14. Those three factors are individual legal rights, the obligation of the Romans to provide kosher food, and the meat market in Rome after the return of the Jews from Claudius’s expulsion.

Pucci Ben Zeev indicates that the legal rights and privileges of the Jews caused them to enjoy “a privileged position in the Roman world,” and “the conditions for obtaining the privileges were Jewish origin observance of Jewish precepts.”¹¹⁷ It was not uncommon, according to Josephus, for legal decrees of rights to be displayed publicly, stating, “against the decrees of the Romans nothing can be said – for they are kept in public places of the cities and are still to be found on bronze tablets in the Capitol.”¹¹⁸ Zeev further states that diaspora Jews were granted, “the right to live according to Jewish customs (*mores*) and law,” customs and laws being one in the Jewish mind, and that the rights to build synagogues, to assemble, collect an offering and send it to the temple in Jerusalem, hold common funds, share common meals and festivals, and to celebrate their sabbaths.¹¹⁹

¹¹⁶ Garnsey, *Social Status and Legal Privilege*, 258.

¹¹⁷ Pucci Ben Zeev, *Jewish Rights*, 451; J. Juster, *Les Juifs l’empire romain* (I, Paris, 1914), 213-14, 232-33. *Privilegium* is a term used “in its positive meaning,” and is, “namely, a legal enactment concerning a specific person or case and involving an exemption from common rules” (p. 451).

¹¹⁸ Josephus, *Roman Antiquities* 14.188-9.

¹¹⁹ Zeev, *Jewish Rights in the Roman World*, 460, 465. See a fuller discussion of Jewish rights in ch. 5: “Were Jewish Rights a Privilege in the Roman World?” pp. 451-482.

Crook notes “the Jews of Judea were a *nation*, a clear ethnic group,” “were given special license and sanction by the Romans,” and that *diaspora* Jews “were accorded the same license as a ‘permitted religion’ *a fortiori*.”¹²⁰ He concludes, “It is plausibly suggested that they were a specially protected, exempted and sanctioned religious minority because it was admitted that they were loyally adhering to their ancestral tradition – their own ‘faithful ritual’, however repugnant it might seem to outsiders.”¹²¹ The Romans, when it came to rights and privileges, had a way of applying common principles of Roman policy which “were yielding and elastic enough to accommodate the most different situations, and most peoples enjoyed, *de facto* or *de iure*, the right to live according to their laws and customs.”¹²²

While the Jews had certain rights, vital to this discussion for Romans 14 is the privilege provided by Romans to secure kosher meat for the Jews in maintaining Jewish customs. Winter states that kosher meat was a “Jewish need, indeed a Jewish law, a custom derived from the Torah and a critical factor in what it meant to be a Jew in the *diaspora*.”¹²³ He goes on to say, “Josephus records an official decree which involved provision of kosher food and which was issued on the resolution of the magistrates from the city of Sardis in Asia Minor and passed by the Council and the People.”¹²⁴ The words of his decree indicate a clear path for Jews in Sardis to practise “in accordance with their accepted customs, come together and have a communal life and adjudicate suits among themselves, and that a place [synagogue] be given them in which they may gather.”¹²⁵ Winter notes how the city of Sardis was meeting its legal obligations and how the decree “was passed in the wake of the restoration of rights to

¹²⁰ Crook, *Law and Life*, 280.

¹²¹ Crook, *Law and Life*, 280.

¹²² Zeev, *Jewish Rights*, 482; Winter, *After Paul Left Corinth*, 292.

¹²³ Winter, *After Paul Left Corinth*, 293.

¹²⁴ Winter, *After Paul Left Corinth*, 288; Josephus, *Jewish Antiquities* 14.259-60.

¹²⁵ Josephus, *Jewish Antiquities* 14.259-60.

the Jews by the Roman Senate and People.”¹²⁶ Understanding Jewish rights and privileges has significant import for Romans 14, because of the parallels in I Corinthians 8-10, because of Paul’s association with Priscilla and Aquila who were expelled from Rome under the Claudian expulsion of AD 49 and probably informed him of circumstances in Rome, and because “the expelled did not necessarily return to Rome to their original homes,” but “they could return to Rome after the initial problem died down.”¹²⁷

There are two features with regard to the Sardis decree and Noy’s comment are important to the discussion in Romans 14: first, at Paul’s time of writing the majority Gentile strong and the minority Jewish weak, were both aware of each other’s rights and privileges and were, in Roman society, renegotiating those rights and privileges, as well as within the church at Rome; second, part of the distinct problem in the church had to do with discussion over kosher meat and the provision of meat that was not kosher (κοινόν).¹²⁸

Roman obligation not only provided rights and privileges for the Jews, kosher meat for them to practise their customs, but also gave specific instruction on a local level as to who was responsible to provide kosher meat in the meat market. L. de Ligt says that “High-frequency markets are said to have existed in every town, and to have joined shops and the market hall in supplying the ‘necessities of local life’; distinguished from smaller, temporary markets, ‘low frequency’ fairs surrounding

¹²⁶ Winter, *After Paul Left Corinth*, 290.

¹²⁷ Noy, *Foreigners at Rome*, 259.

¹²⁸ Winter, *After Paul Left Corinth*, 297 n. 44. The meaning of κοινόν is “common” and is found in Mark 7:2; Acts 2:44; 4:32; 10:28; 11:8; Romans 14:14; and Hebrews 10:29. Reasoner, *The Strong and the Weak*, 97-101. He acknowledges that the issue of unclean foods was “complex,” but he does not mention the legal concepts of (Jewish) rights and privileges and the importance of the meat market in Rome.

assizes, religious festivals, and athletic games.”¹²⁹ The market served not only an important social function in Rome but, according to MacMullen, became a part of the “Roman city form” in Romanization where Romans built cities like Rome in new territories.¹³⁰ He tells of a “certain Annobal Tapapius Rufus,” a benefactor of the city of Leptis in Africa, who “paid for the *macellum*, as he made known in a Punic inscription on its walls and a Latin translation of that text.”¹³¹ Winter notes, “The offering of meat as a sacrifice before using it for consumption was a long-standing convention of the Graeco-Roman world, and therefore concerns of the Jews about meat which had not been offered to idols was critical to their religion.”¹³² In the meat market in Rome, because of Jewish rights and privileges were deprived, Jews would not purchase meat for fear that it was κοινόν and neither would the Jewish Christian weak of Romans 14. Thus, if a meat market was no longer provided for the Jews in Rome, it became a part of the conflict and struggle for order between the strong and the weak in the church.¹³³

5. Paul’s Theological Judgment of the Unresolved Conflict

Paul identifies himself with the theologically strong (Ὁφείλομεν δὲ ἡμεῖς οἱ δυνατοὶ 15:1), but he speaks vehemently to the strong in five important commands. The first three are imperatives and the last two are hortatory subjunctives,¹³⁴ with an encouragement to “edification,” or building up each other. First, Paul invokes the

¹²⁹ L. de Ligt, *Fairs and Markets in the Roman Empire: Economic and Social Aspects of Periodic Trade in a Pre-industrial Society* (Amsterdam: J. C. Gieben, 1993), 28; Winter, *After Paul Left Corinth*, 293-94.

¹³⁰ MacMullen, *Romanization*, 36-39.

¹³¹ MacMullen, *Romanization*, 36.

¹³² Winter, *After Paul Left Corinth*, 294; J.-L. Durand, “Greek Animals: Towards a Topology of Edible Bodies,” in *The Cuisine of Sacrifice Among the Greeks* (ed. M. Detienne and J.-P. Vernant; E. T. Chicago: University of Chicago Press, 1989), 104-5.

¹³³ Winter, *After Paul Left Corinth*, 297, n. 44.

¹³⁴ A hortatory subjunctive is also known as volitive. A. T. Robertson, *A Grammar of the Greek New Testament in Light of Historical Research* (New York: Hodder & Stoughton, 1914), 927-35. He says the subjunctive “is the mood of doubt, of hesitation, of expectation, of brooding hope, of imperious will” (p. 928).

strong to “welcome” the weak in Romans 14:1 (Τὸν δὲ ἀσθενοῦντα τῇ πίστει προσλαμβάνεσθε);¹³⁵ second, he invokes the strong to “despise not!” the weak in Romans 14:3; third, he invokes the weak to “judge not” the one who eats meat because God has received him in Romans 14:3 ; fourth, he tells both the strong and the weak not to judge each other in Romans 14:13; and, fifth, he challenges both the strong and the weak to “follow” after the things which make for peace, and the things that might edify one another in Romans 14:19. These injunctions aim to create a different kind of bond or rope,¹³⁶ one with more than mere social ties and obligation on a Roman social level. The force of these commands is forward, sequential, and steps on the path to Paul’s ultimate, obligatory imperative in Romans 15:1.

Two other issues related to Paul’s theological judgment in Romans 14 are critical: (1) his emphasis on breaking down the hierarchical pattern of the perceived superior, the strong, dominating the inferior, the weak, in Romans 14:13; (2) the force of appeal to Christ as the ideal in Romans 14:8. Both issues contrast Roman culture and foreshadow Paul’s final argument in Romans 15.

Paul’s desire to break down the Roman pattern of social hierarchy in the church finds meaning in the word ἐξουθενεῖτω, which means to disdain or treat with no merit, and conveys “strong note of contempt” toward the person or party deemed weak in Romans 14:3.¹³⁷ Cicero references the meaning as “a low opinion” when Pompey expressed a very low opinion of Syria.¹³⁸ Philo uses it to describe those who look down on widows, “Come now, you boasters, with your windy pride in your prosperity, and your pose of perked up necks and lifted eyebrows, who treat

¹³⁵ Jewett, *Romans*, 835. He say of προσλαμβάνεσθε, “When people are received in to a group, they take up a common cause, such as joining a military expedition” (835). Throughout Romans Paul appears to choose words and imperatives encouraging unity and cohesion.

¹³⁶ Zimmermann, *Law of Obligations*, 5.

¹³⁷ Dunn, 2: 802.

¹³⁸ Cicero, *Letters to Atticus* 85 (4.9).

widowhood, that piteous calamity, as a joke...Mark how the persons who seem this lonely and unfortunate are not treated as nothing worth and negligible in the judgment of God..."¹³⁹ Barrett says that "the strong inevitably tend to despise those who are weaker – in mind and in conscience as in other matters – than themselves."¹⁴⁰ Paul aims for "a rhetorically effective levelling device" (προσελάβετο) and desires for every person in the church to retain in the eyes of man what they retain in the eyes of God, that is, a person of worth whom God welcomes.¹⁴¹

The other key thought here is "not to judge." Paul urged both sides "to agree to differ, but not to judge, and especially not to denigrate the 'weak', while "calling for an immediate halt to judging."¹⁴² Regardless, Paul's theological judgment is that "despising and condemning are not Christian attitudes."¹⁴³

Paul's theological judgment reflected his belief that each polarized theological judgment regarding food and Sabbath days must lay down their rights and privileges.¹⁴⁴ Interestingly enough, Josephus records an "edict issued by Claudius extending the rights given to Alexandrian Jews to all Jews living in the Roman world."¹⁴⁵ The language of the edict has the familiar ring of Roman obligation: rights,

¹³⁹ Philo, *On Moses* 2.241-2.

¹⁴⁰ Barrett, 238.

¹⁴¹ Witherington, 335. He states, "Paul must come up with a rhetorically effective levelling device to strengthen his exhortation; he chooses the metaphor of slaves and masters. V. 4 thus suggests one's fellow Christian has one hierarchical relationship to be concerned about, and that is with his master – Christ. Now, if Christ is the only person in the socially superior position, then all are at the same social level – they are all simply slaves or servants" (p. 335).

¹⁴² Winter, "Roman Law and Society in Romans 12-15," in *Rome in the Bible and the Early Church* (ed. Peter Oakes; Grand Rapids: Baker Academic, 2002), 92.

¹⁴³ Witherington, 335.

¹⁴⁴ Robinson Butarbutar, *Paul and Conflict Resolution: An Exegetical Study of Paul's Apostolic Paradigm in 1 Corinthians 9* (Bletchley, Milton Keynes: Paternoster Press, 2007), 117-69. Paul apparently follows this mode in 1 Cor in his "apostolic paradigm" of laying down certain rights in light of a higher obligation to Christ.

¹⁴⁵ Ben Zeev, *Jewish Rights*, 328; Josephus, *Jewish Antiquities* 19.287-291.

privileges, benefaction, loyalty, and friendship, including two words in the edict:

κρίνας and ἔχουθενίζειν.¹⁴⁶

As it is important in regard to these two Greek words, Claudius's edict holds it "in right that not even Greek cities should be deprived of these privileges," and invokes the Jews "not to set at nought the beliefs about gods held by other peoples but to keep their own laws."¹⁴⁷ The latter invocation may be directed at some Romans who had a disdain for Jewish proselytism.¹⁴⁸ Regardless, Paul does not want any person in the church to possess a low opinion of another and he desires for them to lay down their rights and privileges in the church.

6. Conclusions

It has been shown from Romans 14 that serious racial conflict existed in the church at Rome. Paul addresses the challenge of identity for the first century church against the competing backdrop of the strong Gentile majority and the weak Jewish minority.

In Romans 14 Paul communicates the dichotomy of the practical nature of conflict over food regulations and Sabbath days. He gives an indication of Gentile superiority and Jewish inferiority with an anti-Semitic undercurrent in the church. Each side in the church holds up their own theological argument defending their rights and privileges, but Paul holds up one right and privilege: Christ is master. In essence Paul is laying a foundation encouraging each side to set aside their rights and privileges for the sake of peace in the greater context of the kingdom of God. A church, by nature, possesses a family atmosphere built on the principle of God's household. Still, the conflict as it is presented in Romans 14 is unresolved.

¹⁴⁶ Josephus, *Jewish Antiquities* 19.287-291. For a complete discussion of the edict issued by Claudius see Zeev, *Jewish Rights*, 328-342. She says, "Loyalty and good will of provincials are often mentioned in Claudius' edicts as reasons for confirming their rights" (p. 332).

¹⁴⁷ Zeev, *Jewish Rights*, 329.

¹⁴⁸ Tacitus, *Histories* 5.4-5; James C. Walters, *Ethnic Issues in Paul's Letter to the Romans: Changing Self-Definitions in Earliest Roman Christianity* (Valley Forge, Penn.: Trinity Press, 1993), 39-40.

In addition Paul gives instruction in Romans 14 with the force of imperatives that indicate his desire and his theological judgment. The word of instruction is clear: no judging and no condemning your brothers. The language of Roman obligation bleeds through the text of Romans 14.

In the next chapter further evidence will be presented by suggesting a *prolegomenon* to the resolution of racial polarization in the church at Rome. The polarization between the strong and the weak called for a new pattern of social relations according to Paul's passion under the realm of the kingdom of God.

Chapter 6: *Prolegomenon* to the Resolution of Polarization

Introduction

It has been argued in chapter five that there was polarization both in Rome and in the church in Rome at the time of Paul's writing his letter to the Romans. The thesis now turns from the conflict in the church at Rome between the strong and the weak and Paul's theological judgment, to what will be argued in this chapter as *prolegomenon* to the resolution of racial polarization in Romans 9-11. The *prolegomenon* is a critical and discursive in Romans 9-11 on the path to conflict resolution in the later chapters of Romans.¹ While I am aware that Romans 9-11 is often treated as an isolated discussion, in this chapter it will be seen as critical to the resolution of the issues in Romans 14-15.

In order to demonstrate the importance of Paul's *prolegomenon* to the resolution of polarization in the church, several key elements will be discussed: (1) Paul's pattern for starting churches and his pathos communicated to those churches; (2) the *prolegomenon* of Romans 9-11 with an emphasis on Paul's anguish in the text of Romans 9 over the conflict in the church; (3) Paul's plea in a review of the text of Romans 10; and (4) Paul's experience as a Jew in the text of Romans 11. The chapter will conclude with Paul's defence that he is not anti-Semitic, not condescending in tone, and sees no reason for boasting.

1. Paul's Pattern and Pathos

This section seeks to explore Paul's pattern for starting churches and his pathos for the church in Rome. Paul's pattern and pathos will be explored by examining Paul's

¹ Reasoner, *The Strong and the Weak*, 135-36, 235-36. In contrast to Reasoner's book where he dedicates almost no space to the text of Rom 9-11 as a part of Paul's rhetorical strategy leading to conflict resolution, this thesis sees it as a vital part of Paul's discussion moving toward his resolve of conflict by means of Roman obligation. Reasoner does note that Paul "accounts for all peoples," Jews and Gentiles in Rom 9-11 (p. 236).

pattern for starting churches, a general overview of scholarly work in Romans 9-11, the link of Roman obligation to Romans 14-15, and Paul's pathos.

i. Paul's pattern for starting churches

First, consider Paul's pattern for starting churches. Critical to the discussion of Roman obligation is Paul's *prolegomenon* in Romans 9-11 because one of the challenges Paul faced when starting churches was helping each church establish a distinct Christian identity. In the text of Romans "we find plenty of evidence that Christianity is separate from Judaism, though Paul wants his readers to remember the Jewish roots of their faith and the Jewish place in God's plan."²

E. A. Judge and G. S. R. Thomas see Paul's Letter to the Romans as an effort to solidify the identity of the church. They say that Paul's "career shows a regular pattern of working first through the synagogue and, after confronting the regular Jewish community with his message, forming a new organisation as a result of the division."³ They note that Paul used the term church "indiscriminately to cover the activities of primitive Christianity," and that the Roman church *per se* at the time of Paul's writing around AD 57 was comprised of "household groups" who were in the early stages of establishment.⁴ Paul wrote from Corinth and one of the challenges he addressed was "...the rival privileges of Jews and Christians."⁵ Their thesis on the origin of the church at Rome is clearly stated, "We propose that the Christian community in Rome was built up of mainly converts from the East, without any regular organisation or public preaching; that it avoided any conflict with the synagogues, providing such extra religious facilities as it needed on a domestic basis;

² Reasoner, *The Strong and the Weak*, 135.

³ E. A. Judge and G. S. R. Thomas, "The Origin of the Church at Rome: A New Solution," *The Reformed Theological Review* 25 (1966): 89.

⁴ Judge and Thomas, "The Origin of the Church at Rome," 82, 84, 88.

⁵ Judge and Thomas, "The Origin of the Church at Rome," 88.

and that it was only launched as a 'church' in opposition to the synagogues after Paul's arrival."⁶

Priscilla and Aquila met Paul in Corinth and, as they worked together for "professional reasons" in their tent-making business (Acts 18:2-3), it seems logical from Paul's experiences in Corinth that they had informed him of both the synagogue and house church conditions in Rome.⁷ Given Judge's and Thomas's remarks it is clear that two key elements to Paul's argument for conflict resolution were: (1) to help the household churches solidify their Christian identity as a church in relation to his pattern for starting churches; and (2) to clarify his own position, love and empathy for the Jews (and Gentiles) as part of God's plan for salvation. These are two reasons for writing his *prologemenon* in Romans 9-11.

In an effort to clarify the identity of the church both theologically and practically for the sake of harmony Paul writes Romans 9-11 as a key element of his discussion leading toward his conclusion in Romans 15:1-6.

ii. Overview of scholarly work

Second, consider how scholars view Romans 9-11. The first consideration is the thought of Romans 9-11 as a theological treatise or a historical response to a real situation. The influences in Paul's letter to the Romans makes references that cause some scholars to view Paul's letter in a general sense as a circular letter of theological proportions.⁸ Manson believes the letter to be a "manifesto" concerning his position on Jewish-Christian issues arising out of the Corinthian controversy.⁹ Manson suggests that the circular would letter would travel to Ephesus, all the churches in

⁶ Judge and Thomas, "The Origin of the Church at Rome," 81-2; Sanday and Headlam, xxvi-vii.

⁷ Judge and Thomas, "The Origin of the Church at Rome," 88.

⁸ Jewett, 42.

⁹ Donfried, *Romans Debate*, 3-15.

Asia, Syria and Palestine.¹⁰ Bornkamm sees the letter as “Paul’s last will and testament” as to how Paul had “remained true to the source and beginning of his faith and message,” albeit a faith with Jewish foundations and a concern for Israel.¹¹ Karris views Paul’s letter as a general paraenesis based on I Cor 8-10 and a summary of “Paul’s missionary theology.”¹² He dismisses the so-called “party- community strife” concept in favour of Paul’s letter “as addressed to a problem that may arise in any community.”¹³ Klein follows a similar path indicating that Paul reinforces his apostolic authority while at the same time he “addresses the Romans with a theological treatise which in most parts seems free of any reference to a concrete situation.”¹⁴

Nygren summarizes his view in terms of “the fundamental concept of the epistle: righteousness from God.”¹⁵ He emphasises justification by faith and the kingdom of God (fulfilled in Jesus), adding, “The characteristic and peculiar thing about Romans differentiating it from the rest of Paul’s epistles, is just the fact that it was not, or was only in slight degree, aimed at circumstances with a certain congregation.”¹⁶

The view that Paul writes a theological treatise or a general missionary theology also appears to dismiss the links of obligation as well the persuasive nature of Paul’s language to the strong and the weak in his letter to the Romans.

Other scholars see Paul’s letter to the Romans not so much as a general theological work, but as one written to a specific historical situation in Rome. Jervell suggests that the situation was historical in nature, but with a “surprising twist: The

¹⁰ Donfried, *Romans Debate*, 15.

¹¹ Donfried, *Romans Debate*, 16-28.

¹² Donfried, *Romans Debate*, 65-84.

¹³ Donfried, *Romans Debate*, 84.

¹⁴ Donfried, *Romans Debate*, 42, 29-43.

¹⁵ Nygren, 9.

¹⁶ Nygren, 4.

primary recipient in mind is not Rome Jerusalem.”¹⁷ Jervell comments that Paul writes a “letter to Jerusalem” because of an impending trip to Jerusalem, to represent Christianity to Jerusalem as an “apostle to the Gentiles,” and to give attention to “Israel’s lack of faith and Israel’s future as the people of God...”¹⁸ Schreiner asks a poignant question, “If Jervell is correct, then why did Paul write to Rome at all?”¹⁹ He adds, “To see Jerusalem as a destination of the letter when it was actually sent to Rome is a curious position.”²⁰

Another view concerning Romans 9-11 is the thought that the specific historical situation in Rome was conflicted. Schreiner notes, “The majority position is now that Paul wrote to resolve the disunity between the Jews and Gentiles.”²¹ Marxsen sees the situation as one caused by the Edict of Claudius in AD 49 which expelled Jews and the conflict that arose as Jewish Christians returned to Rome after Claudius’s death (AD 54).²² Donfried acknowledges that Romans “deals with a Roman problem,” but acknowledges the need for more research to clarify certain aspects of Paul’s letter.²³ Wedderburn notes that in Paul’s letter “it is hardly surprising that parts of his letter are less directly related to the Roman situation than others, but the whole should nevertheless be seen in light of that situation.”²⁴ Guerra views Paul’s letter as a historical situation requiring “mutual acceptance” between the strong and the weak.²⁵ Esler discusses conflict and identity as Paul addresses an actual situation where Paul exercised leadership over the congregation in Rome to encourage

¹⁷ Schreiner, 17; Donfried, *Romans Debate*, 53-64.

¹⁸ Donfried, *Romans Debate*, 59, 63; Schreiner, 17.

¹⁹ Schreiner, 17.

²⁰ Schreiner, 17.

²¹ Schreiner, 19 n. 42.

²² W. Marxsen, *Introduction to the New Testament* (trans. G. Buswell Philadelphia: Fortress Press, 1968), 95-109.

²³ Donfried, *Romans Debate*, 107, 102-25.

²⁴ Donfried, *Romans Debate*, 195, 195-202.

²⁵ Anthony J. Guerra, *Romans and the Apologetic Tradition: The Purpose, Genre and Audience of Paul’s Letter* (Cambridge: Cambridge University Press, 1995), 32-39.

“group goals” of love and virtue “as the key to reconciliation of the rival groups.”²⁶ Reasoner views the conflict as historical in Paul’s “practical teaching” as an attempt to reconcile the strong and the weak.²⁷ Jewett sees the letter of Romans in light of his voluminous work in the *Sitz im Leben* with Paul’s focus on an “ambassadorial letter” comprising a mission “to urge the coexistence of the weak and strong in Rome.”²⁸ Jewett also views the purpose of Paul’s letter with a broader mission. He says, “Its purpose is to advocate in behalf of the ‘power of God’ a cooperative mission to evangelize Spain so that the theological argumentation reiterates the Gospel to be therein proclaimed and the ethical admonitions show that how that mission is to be lived out in a manner that would ensure the success of that mission.”²⁹

Jewett’s comment is important, “Since we do not have direct access to the audience of Romans, however, it is necessary to reconstruct a model of the audience to interpret the rhetorical devices Paul uses to persuade them.”³⁰ Paul addressed the audience of Romans in terms of groups or “warring factions,” identified as the strong and the weak, Gentiles and Jews, or, if one was looking at Romans 9-11 the factions could be identified as Gentiles who were “grafted in” (Rom 11:17, 19, 23 and 24) and Israel (Rom 9:4, 6, 27, 31; 10:19, 21; 11:2, 7, 25, 26).³¹ Paul appears to address both groups at different times in his letter to the Romans.

The historical situation and the background in the underlays of Roman culture highlight an important factor in understanding Romans 9-11.

Two other considerations are important in a scholarly overview of Romans 9-11: (1) the disconnect of Romans 9-11 from the rest of the epistle, or (2) the

²⁶ Esler, *Conflict and Identity*, 354-55; 339-56.

²⁷ Reasoner, *The Strong and the Weak*, 37, 37-41.

²⁸ Jewett, 44, 84.

²⁹ Jewett, 44, 84.

³⁰ Jewett, 23.

³¹ Jewett, 41.

importance of Roman 9-11 as a key link in interpreting Romans, especially Romans 14-15.

Sanday and Headlam viewed Romans 9-11 as a “pause in the epistle,” one with no connection to the preceding verses, as if the section disrupts the flow of the discussion.³² Dodd agrees as describes Romans 9-11 as “the sequel postponed” and he adds that the verses form a “compact and continuous whole, which can be read satisfactorily without reference to the rest of the epistle...”³³ Dodd views Romans 9-11 as a philosophical conversation, a diatribe, and the words “were very not likely written *currente calamo* with the rest of the epistle.”³⁴ Schreiner acknowledges that such a position has “all but vanished today,” while scholars generally believe that Romans 9-11 is important to the discussion in Paul’s letter. The scholarly positions that Romans 9-11 was a pause in the epistle or disconnected from the rest of Paul’s letter to the Romans appears to dismiss key links of obligation which will be discussed later in this chapter.

Most scholars see Romans 9-11 as a unity, “an integral part of the letter, if not its actual climax.”³⁵ Moo recognizes “the importance of the Jewish motif.”³⁶ Byrne views Romans 9-11 as “no less part of the ‘inclusive’ presentation of the gospel.”³⁷

³² Sanday and Headlam, 226.

³³ C. H. Dodd, *The Epistle of Paul to the Romans* (London: Houghton and Stoughton, 1932), 148.

³⁴ C. H. Dodd, 148, 150. Dodd continues by saying that Romans 9-11 “represent a somewhat earlier piece of work, incorporated here wholesale to save a busy man’s time and trouble in writing on the subject afresh” (p. 151). He suggests that Romans 9-11 a “kind of sermon ...inserted...” and “...the epistle could be read without any sense of a gap if these chapters were omitted” (p. 149).

³⁵ Thomas H. Tobin, *Paul’s Rhetoric in Its Contexts* (Peabody, Mass.: Hendrickson Publishers, 2004), 252; Krister Stendahl, *Paul Among Jews and Gentiles and Other Essays* (London: SCM, 1977), 28, 85. Stendahl sees Romans 9-11 as the climax stating, “The real centre of gravity in Romans is found in 9-11” (p. 280). *Contra* Tobin who discusses how “Romans 9-11 belong together both thematically and rhetorically” (p. 251).

³⁶ Moo, 548. He says that Paul “found himself at the centre of debate” between the Gentiles and Jews in the church and presented and defended his gospel with an “aim to resolve the tension” (pp. 548, 549).

³⁷ Brendan Byrne, *Romans: SP 6* (Collegeville, Minnesota: The Liturgical Press, 1996), 283. He states, “The credibility of Paul’s presentation of the gospel hangs upon a satisfactory resolution of this issue,” that is, “the extension of Israel’s privileges to Gentile believers and the inclusion of those Gentiles within the eschatological people of God...” (p. 282).

Stuhlmacher views this section as Paul's defence of the gospel, noting that "Romans 9–11 is just as decisive for the understanding of his gospel of justification as it is for the realization of his far-reaching mission plans."³⁸ Schreiner views it as Paul's word "to stave off Gentile pride by providing the larger theological backdrop to what was happening in Rome."³⁹ Fischer notes that "the relevance of Romans 9–11 has usually tested the mettle of commentators," adding that Paul is aware that his own problems are the problems of many of his audience also."⁴⁰ Cranfield says of Romans 9–11, "One stubborn problem is that of the relation of these three chapters to the rest of Romans."⁴¹ He then adds that "a closer study reveals the fact that there are very many features of chapters 1 to 8 which are not understood in full depth until they are seen in light of chapters 9 to 11 – the characterization of the scope of Paul's apostleship by 'unto the obedience of all the nations' in [Romans] 1:5."⁴² Dunn says that in "the exposition is developed step by step with each claim regarding God's saving purpose as revealed in his word having a 'two-sided' character which builds up to the solution to the problem."⁴³ No doubt, Romans 9–11 is more than a mere sermon or exposition, but Paul's *prolegomenon* is a critical discourse on the path to conflict resolution in Romans 15.

³⁸ Stuhlmacher, 144. He mentions that Paul is defending the work of "contramissionaries" that felt that "newly baptized Christians hung on to false teaching of a Jewish apostate" (p. 143). This view seems hard to imagine in Romans 9–11 given the complex social dynamic and the fact that Paul had not been to Rome.

³⁹ Schreiner, 471.

⁴⁰ James A. Fischer, "Dissent Within a Religious Community: Romans 9–11," *BTB* 10 (1980): 105–110. He addresses images Paul uses in Romans 9–11, adding that there must be a decision-maker in resolving the dissent in the church, that internally persons in the church have to make a decision about the conflict, and that "the dynamism in the conflict calls for an act of faith" (p. 106). He implies an "ethical" response for conflict resolution.

⁴¹ Cranfield, 2:445.

⁴² Cranfield, 2:445.

⁴³ Dunn, 518. He notes, "It is important to realize these chapters are not an excursus, or an appendix to an argument already complete in itself" (p. 519).

iii. *The link of Roman obligation to Romans 14-15*

Third, consider Romans 9-11 as a key link in understanding and interpreting Romans, especially Romans 14-15. Of keen interest, then, is how did Paul present his material?

Bryan sees Romans 9-11 as the “most rhetorically striking of the whole letter, and makes extensive use of virtually the entire range of techniques of the podium and the classroom.”⁴⁴ Witherington says, “From a rhetorical viewpoint this section of the

letter is part of a *refutatio*,” that is, that Paul is following a pattern of rhetoric, *probatio-refutatio*, as an argument for a case-argument against the opponent’s case.⁴⁵

Witherington adds, “Paul is refuting certain ideas and arguments apparently held by Gentile believers in Rome, or at least Paul fears that they hold such views of Jews and Jewish Christians.”⁴⁶ This rhetorical style was a common tool used in Graeco-Roman culture. Garnsey writes, “The promotion of rhetoric by emperors was an aspect of their support for education in general, which in turn signalled their commitment to the Graeco-Roman literary culture; rhetoric was the keystone of the educational system.”⁴⁷ Rhetoric seems plausible because of the persuasive nature of the letter, but Witherington’s thought of a *refutatio* appears to be one-dimensional toward the Gentiles.⁴⁸

Jewett views Romans as a persuasive work of rhetoric.⁴⁹ He states, “In ancient rhetoric there are five means of persuasion: invention, arrangement, style memory and

⁴⁴ Bryan, 160.

⁴⁵ Witherington, 237-8.

⁴⁶ Witherington, 237.

⁴⁷ Garnsey, *The Roman Empire*, 181.

⁴⁸ Witherington, 238. He says, “It was indeed the normal procedure to save the *refutatio* for later in the discourse, unless one’s argument were forensic, making refutation necessary immediately. But Paul’s argument is deliberative, and he has deliberately saved the major bone of contention and division until the end of his theological arguments, well after he has established rapport with his audience and led them through a series of arguments they are likely to consent to, or at least be favourably disposed to on the whole. Furthermore, we are probably dealing here with what Quintilian calls *prolepsis*, an anticipatory rebuttal which forestalls certain arguments Paul might expect to hear when he gets to Rome.”

⁴⁹ Jewett, 23.

delivery, all of which are evident in Romans.⁵⁰ Quintilian, in *The Orator's Education*, names the five parts of a speech: proemium, narrative, proof, refutation, and epilogue.⁵¹ Jewett sees Romans “a five part arrangement” with a “visible table of contents” which he lists: “an *exordium* (1:1-12); a *narratio* (1:18-15); a *propositio* (1:16-17); a proof divided into four discrete arguments (1:18-4:25; 5:1-8:39; 9:1-11:36; and 12:1-15:13); and a peroration (15:14-16:16 + 16:21-23).”⁵² He also views 16:17-20 and 16:25-27 as interpolations, the former as a warning and the latter as a doxology.⁵³ Jewett sees Romans 9-11 as the third proof, a *probatio* that speaks to “the triumph of divine righteousness in the gospel’s mission to Israel and the Gentiles.”⁵⁴ He also notes that Paul begins in Romans 9:1-5 with a pathos that aims to arouse “similar sympathies on the part of the audience,” an effort to persuade the Gentiles to have compassion for the Jews.⁵⁵

Crook notes that rhetoric was also a vital part of legal, political, and *epideictic* Roman society, as such, “rhetorical performances including the speeches of barristers in legal actions, took place in public, in the stoas and the basilicas.”⁵⁶ In some circumstances rhetoric was instilled in the Roman mindset in the intermingling of law and life where “it was a part of the philosophy of the Romans that the duty (obligation) of a citizen included his taking his share of the burdens of the law.”⁵⁷ Epictetus says that the *epideictic* function of education is to apply, to make distinction, and to differentiate between things under our control and those not under

⁵⁰ Jewett, 23.

⁵¹ Quintilian, *Institutes of Oratory* 3.9.1-2.

⁵² Jewett, 30.

⁵³ Jewett, 30.

⁵⁴ Jewett, 556.

⁵⁵ Jewett, 556. See also Elliott, *Rhetoric*, 261-2.

⁵⁶ Crook, *Law and Life*, 33.

⁵⁷ Crook, *Law and Life*, 33.

our control, and those “under our control are moral purpose and all the acts of moral purpose.”⁵⁸

Reading Romans 9-11, with its import of Old Testament Scripture and Paul’s use of a Graeco-Roman style of rhetoric, leaves the impression that Paul is appealing to both Jews and Gentiles in a manner that identifies with their needs, yet consistent with his ultimate purpose of resolving the conflict in a plea for mercy. Paul’s pattern in this epistle follows his pattern of church starting and a Graeco-Roman pattern of rhetoric.

iv. Paul’s pathos

Fourth, consider Paul’s pathos. Reading Romans 9-11 Paul’s “unmistakable pathos” emerges.⁵⁹ Bryan notes, “What Paul affirms here is simply a conviction that even in ‘bad’ things (Romans 8:28, 31-39), God still works for our final good – a conviction that will form an important part of the arrangement of the next section of the letter (9.1–11.36).”⁶⁰

From this writer’s perspective, Romans 9-11 is a vital part of the letter in Paul’s argument for conflict resolution and reconciliation in the church. I see this for three reasons. First, the important sense of ὀφείλ- in one of its derivative forms in verses 1:14, 8:12, 13:8, 15:1 and 15:27, along with Paul’s use of the imperative to communicate Christian obligations as will be suggested in the next two chapters of this thesis which discuss a new obligation and the compelling obligation for the church in Rome.

A second reason for the importance of Romans 9-11 is the logical connections Paul makes throughout the letter. One particle that Paul repeatedly uses is οὐν, a

⁵⁸ Epictetus, *Discourses* 1.9-10.

⁵⁹ Käsemann, 257.

⁶⁰ Bryan, 153.

“transitional particle relating clauses or sentences loosely together by way of confirmation.”⁶¹ Another combination of particles that Paul uses is ἀπα οὖν, which Thrall says is “peculiar to the Pauline epistles” while “the purpose of the combination is to provide an emphatically inferential connective,” or more importantly, an implied “logical connection.”⁶²

A third reason for the importance of Romans 9-11 is the rhetorical function of the letter. This writer agrees with Jewett’s observations concerning both the function and the general outline of Romans with 9-11 serving as a proof or *probatio*. In Romans 9-11, it seems as though Paul is addressing the church as he does throughout the letter, aiming to convince the strong, mostly Gentiles, and the weak, mostly Jews, to resolve their conflict. In Romans 9-11 Paul seeks to persuade the Gentiles to adopt a different attitude than their compatriots in Rome who were anti-Semitic and to accept Jews as a part of God’s redemptive plan. While asking the Gentiles to avoid anti-Semitism, Paul was also simultaneously exhorting the Jews toward God’s redemptive plan for the Gentiles in the inclusive nature of Paul’s ethic.⁶³ Paul’s pathos that emerges in Romans 9-11 is for both Gentiles and Jews to live and to serve Christ together as a unified body. Paul’s emotional appeal in his proof in Romans 9-11 sets the stage for the new obligations that he will present in Romans 12-13. It also advances his powerful thrust toward his compelling obligation in Romans 14-15, especially Romans 15:1-6.

⁶¹ Robertson, *A Grammar*, 1191.

⁶² Margaret Thrall, *Greek Particles in the New Testament: Linguistic and Exegetical Studies* (Leiden: Brill, 1962), 10, 11. “It is several times used by Paul to sum up the argument of a whole section (rather than merely indicating the logical consequence of the immediately preceding sentence considered in isolation).”

⁶³ See Toney, *Paul’s Inclusive Ethic*, 91-163.

Paul's pathos rises from his commitment to conflict resolution under the mercy of God. Might Paul's pathos, however, have context in a word that he used in his letter to the first century Roman church?

Paul's pathos falls under the guise of the obligation, a word that he used in Romans 1:14, ὀφειλέτης, an obligation, a sense of indebtedness which he feels and pursues for both Gentiles and Jews, for the strong and the weak in relation to the kingdom of God. Paul's *exordium* or, "the beginning" of his letter, according to standard rhetorical devices in speeches for solving conflict, precedes the introduction of the subject in question.⁶⁴ Quintilian explains more clearly the content of an *exordium*,

What in Latin is called the *principium* or *exordium*, the Greeks seem to have had better reasons for calling *prooimion*, because our words merely signify "beginning," whereas theirs makes it clear that this is the part which precedes the introduction of the subject to be treated. Now *oime* means song, and lyre-players gave the name *prooimion* to the short pieces they perform to win favour before they begin the formal competition; it may be for this reason, therefore, that orators also chose this name to denote what they say with the object of winning over the minds of the judges before they start on the actual case. Alternatively, because the Greeks also call a road *oimos*, it became the practice to use *prooimion* of what is said before one enters the real matter.⁶⁵

Based on rhetoric, evidence suggests that Paul's pathos was indeed his obligation ("I am a debtor...", Rom 1:14) and his sense of "indebtedness" toward Gentiles and Jews to help them resolve church conflict by living with a spiritual psyche that was both countercultural and revolutionary.

The concept of Paul's obligation, connected to Romans 1:5 as "the obedience to the faith among all nations, for his name," places itself in the "rhetoric of obedience in the Pauline tradition."⁶⁶ Kittredge shows how Paul uses rhetoric in the letters to the

⁶⁴ Quintilian, *Institutes of Oratory* 4.1.1.

⁶⁵ Quintilian, *Institutes of Oratory*, 4.1.1-4. "The reason for a Prooemium is simply to prepare the hearer to be more favourably inclined toward us for the rest of the proceedings" (4.1.5).

⁶⁶ Cynthia Briggs Kittredge, *Community and Authority: The Rhetoric of Obedience in the Pauline Tradition* (Harrisburg, Penn.: Trinity Press, 1998), 1.

Philippians and the Ephesians to promote his ethic of “radical obedience.”⁶⁷ Kittredge understands “radical obedience” in light of Bultmann’s “man of faith” that incorporates the Pauline idea that “understands the act of faith as an act of obedience.”⁶⁸ Bultmann, commenting on Romans 9:1 and Paul’s use of conscience, “indicates that the essential thing about ‘conscience’ is just this obligation to its transcendent source of authority.”⁶⁹ He continues, “Conscience, so to say, steps in as an independent witness with the man whose binding obligation she is.”⁷⁰ Bultmann’s radical obedience and ethic in light of Kittredge’s research linking “the language of obedience with rhetoric of unity”⁷¹ in Philippians and Ephesians indicates that Paul’s pathos was a radical ethic of binding obligation. Paul’s letter to the Romans in general, and the passion of his words in Romans 9-11 “reflect the urgency of the matter as he plans to go to Rome;”⁷² and also, subversively generates thoughts of a radical obedience and ethic through Christ that flows in the context of Paul’s deeply felt obligation. How does Paul express this obligation to the Jews that led him to write Romans 9–11?

⁶⁷ Kittredge, *Community and Authority*, 14-15, 37; Bultmann, Rudolf, *Theology of the New Testament* (trans. Kendrick Grobel; vol. 1; London: SCM, 1952), 2. Bultmann says that “Jesus’ message is a great protest against Jewish legalism” and that “radical obedience is only possible where a man understands the demand and affirms it from within himself” versus a mere outward show of obedience of a law or command “without asking the reason, meaning, of its demand” (p. 12). He also notes, “‘Faith’s obedience’ is the genuine obedience which God’s law had indeed demanded, but which had been refused by the Jews by their misuse of it to establish ‘their own righteousness,’ using it as a means for boasting” (p. 315). Kittredge views obedience in light of two Greek words: ὑπακούω and ὑποτάσσω.

⁶⁸ Bultmann, *Theology of the New Testament*, 1:315-16.

⁶⁹ Bultmann, *Theology of the New Testament*, 1: 219.

⁷⁰ Bultmann, *Theology of the New Testament*, 1:219.

⁷¹ Kittredge, *Community and Authority*, 176. Of the rhetoric of unity she states, “He [Paul] attempts to resolve that conflict by presenting a picture of oneness” to relieve the “tension between unity-as-equality and unity-as-hierarchy in Ephesians and the tension between partnership and obedience in Philippians” (p.176). See also James D. Hester “The Rhetoric of Romans: Re-Reading Romans 1:1-12,” in *Celebrating Romans: Template for Pauline Theology* (ed. Sheila McGinn; Grand Rapids: Eerdmans, 2005), 83-105. Hester views Paul as infusing an “ambassadorial letter” advocating diplomacy in his language, and calling for ‘hearing-obedience-faith,’ that is faith implies action (pp. 83-4; 90-1).

⁷² Witherington, 239.

2. Paul's Anguish (Romans 9)

Paul expressed his anguish in Romans 9:2 with two Greek words: λύπη and ὀδύνη (sorrow and grief), compounded with two descriptive Greek adjectives: μεγάλη and ἀδιόλειπτος (great and continual). Paul's pathos and obligation toward the Jews created within him a sorrow, a "grief of mind,"⁷³ that was great and bore ceaseless pain, "mental pain,"⁷⁴ while heightening his senses and intensifying the "emotional intensity" with regard to the Jews.⁷⁵ Paul's pathos moved his heart, indicating "the depth of sincerity he seeks to convey."⁷⁶

Witherington notes that Paul begins this chapter with the "swearing of an oath," adding that "the rhetorically astute audience would recognize this as a prelude to a specific kind of argument, namely one having to do with a testimony of witnesses, Paul as witness and Scripture as witness, as well as God himself speaking through his divine Word."⁷⁷ His comment alludes to both rhetoric and Roman law in the context of a proof, an oath, and an obligation.

In regard to an oath associated with rhetoric Paul begins chapter nine with an oath, "I say the truth..." and addresses his hearers on the basis of a logical argument. Aristotle discusses an oath in the context of binding contracts, the enactment of law, and "the oath of the dicast" which allows the hearer to decide to the best of his or her judgment, while relieving the person swearing an oath of the charge of perjury.⁷⁸ Quintilian notes that "the solemn nature of the oath, with regard to which he will win all the greater credence, if without the least show of eagerness to take the oath he

⁷³ Cranfield 2:453.

⁷⁴ Dunn, 523.

⁷⁵ Dunn, 523; Sanday and Headlam, 227.

⁷⁶ Dunn, 524.

⁷⁷ Witherington, 249.

⁷⁸ Aristotle, *The Art of Rhetoric* 1.15.12.

makes it clear that he does not shrink from solemn duty.”⁷⁹ Cicero declares that an oath is “upon your conscience” as a part of “legal formulas” and “binding as treaties.”⁸⁰ Paul’s appeal to the church at Rome in Romans 9 begins with his address to the Jews in the context of Roman obligation’s rhetorical device of an oath.

Paul’s anguish over the Jews flows out of his own heritage, Jewish history in the covenantal lineage of Abraham, and the righteousness of God. His anguish appeals on two levels: (i) his love for Israel and the Israelites in the merciful compassion of God demonstrated to Jews throughout their history in spite of the fact that they have been a prejudiced and inferior people in the eyes of other races and nations; (ii), Paul’s anguish finds an emotional link in the church in Rome because of their supposed inferior or “weak” status in the church. An oath follows with the testimony of witnesses, in this case, Paul, Scripture and God speaking through his word, while Paul rebuts the notion that Jews are forsaken by God and that the word of God has failed (Romans 9:6).⁸¹ Witherington adds, Understanding the “assumption of Gentile superiority in the Roman church,” that Paul is here and elsewhere in Romans “trying to level the playing field so as to make clear that all are ‘in’ the people of God by God’s mercy and grace and that no one has a right to boast in his or her accomplishments.”⁸² Boasting was not mere braggadocios over brave accomplishments and superior feats, it was a formalized in Roman society as a symbol of status, as a form of a party spirit of dominance in “personality-centred parties” of division, and as a “secular practice” among leaders in society.”⁸³

Witherington interestingly notes, in quoting Wright, that there may be another and even more subtle sort of message as well. Wright argues,

⁷⁹ Quintilian, *Institutes of Oratory* 5.6.2.

⁸⁰ Cicero, *On Duties* 3.108.

⁸¹ Witherington, 249.

⁸² Witherington, 249.

⁸³ Clarke, *Secular and Christian Leadership*, 97, 96-99.

The retelling of Israel's story in 9:6–10:21 is itself designed not only to suggest a new way of reading Israel's own history but also quietly to undermine the pretensions of Rome itself. Rome, too, told stories of its own history, going back to the brothers Romulus and Remus a thousand years earlier, coming through a long story of the republic and finally arriving at the emperor who was now enthroned as lord of the world. Paul, having declared in 9.5 that Jesus, the Messiah, is 'God over all, blessed forever'...returns to the point in 10.12: Jesus is Lord over all, Jew and Gentile alike. Israel's history climaxing in Jesus, is designed to upstage Roman history, climaxing in Augustus."⁸⁴

Paul never fails to track the influence of Roman underpinnings in his logical argument on the path to seeking a spiritual, practical resolve to division within the Roman church. Ultimately, Paul knew that either the way of Augustus or the way of Jesus had to achieve victory in the end.

Notwithstanding, his anguish solidified with an oath and witnesses, also produced sorrow and heaviness in his heart because of the church's failure to see beyond the superior/inferior categories, the strong and weak divisions, to a righteousness that rises above division in the realm of faith in Christ, that is, a righteousness of God, "even a righteousness which is of faith."⁸⁵ In Romans 9:14 Paul asks the question, "What shall we say then?" Moo sees this as typical of the questions Paul uses at several points in Romans to "advance his argument" while "at some points such questions introduce clarifications of Paul's teaching."⁸⁶ Paul follows with the question in verse 9:14, "Is there unrighteousness with God?" Moo asserts that "the word 'unrighteousness' comes from a Greek word group that is used in both the OT and in Paul with reference to God's faithfulness to his promises and to his covenant

⁸⁴ Witherington, 249-250; N.T. Wright, "Romans," in *The New Interpreter's Bible* 12 vols. (Nashville: Abingdon, 2002), 10:623-24.

⁸⁵ Romans 9:31. The question of "whose righteousness?" continually swirled in the minds of the readers, strong or weak, Gentile or Jew? Augustus' way or Jesus' way? Roman obligation's ethic or a new Christian one? For example Slee, *The Church in Antioch*, sets the heart of the conflict and dilemma, "'The issue of Jewish and Gentile table fellowship in the first century CE was problematic because of Gentile association with idolatry'" (p. 17).

⁸⁶ Moo, 591. He also notes that the similar phrases are used in 3:5; 4:1 and 9:30. I see similarities in 6:1; 7:7; 8:31; 9:30, and 11:7.

with Israel.”⁸⁷ God’s faithfulness produces in those who believe a “God-kind of righteousness.”

Righteousness is used forty-three times in Romans. Campbell sees righteousness as “Christ is characterized with 3:22-25 via a tight conjunction of two sets of metaphors, the one referring to a sacrificial deliverance, and the other to faithfulness, or obedience.”⁸⁸ Reversing the thought, he sees that in uniting these two perspectives of Christ’s atoning work of righteousness and his work of obedience on the cross, “it can be seen that Christ functions in essence (and as we would expect) to save humanity from every possible dimension of oppression and disobedience.”⁸⁹ In other words, Paul’s anguish is personal and heartfelt as he discusses righteousness beginning in Romans 1:17, in Romans 9, and climaxing in 14:17. Righteousness has its foundation in the saving work of Christ and its application in an ethical response in everyday living. Closely connected to Paul’s discussion on righteousness is Paul’s ethic of obedience, a sense of debt (Rom 1:14; 8:12; 15:27) to the righteousness illustrated in Christ. Of particular interest to Paul’s discussion of righteousness in chapters 1, 8, and 15 are the closely aligned references to obligation related to three themes: faith, the Spirit, and the kingdom of God, respectively, “the righteousness of God revealed faith to faith,” (Rom 1:17); “the Spirit is life because of righteousness,” (Rom 8:10), and “the kingdom of God...righteousness, joy, and peace” (Rom 14:17). Romans 9 foreshadows Paul’s ethic and plan for Jews and Gentiles to live in the unity of the faith of the righteousness of God which he will discuss in chapter 15. Paul’s

⁸⁷ Moo, 591.

⁸⁸ Douglass A. Campbell, *The Rhetoric of Righteousness in Romans 3:21-26* (Sheffield, England: Sheffield Academic Press, 1992), 158-59.

⁸⁹ Campbell, *The Rhetoric of Righteousness*, 159. Campbell connects God’s righteousness to a “clearly salvific” nuance, while acknowledging Christ as “God’s complete and final solution to the human condition.”

anguish flows from debt to both Jews and Gentiles in God's overarching plan, but it also leads to Paul's plea in Romans 10.

3. *Paul's Plea (Romans 10)*

Paul begins Romans 10 in the same way as he did chapter 9: pouring out his heart, expressing "heartache about his fellow Jews," of whom "Paul's heart's desire and what he prays for repeatedly is their salvation."⁹⁰ Stuhlmacher, and rightly so, sees 9:30-33 as a "decisive turning point in the Pauline argument" because of his shift to the righteousness of the Gentiles.⁹¹ This decisive turning point has implications for Paul's aim of conflict resolution. As Romans 10 begins, three things stand out: Paul's use of the conjunction γάρ (v. 3), Paul's plea in a passionate, emotional sense, and Paul's logical argument which aims to counteract Roman privilege.

First, consider Paul's use of the conjunction γάρ. Thrall views one use of γάρ as an "introductory particle" in the New Testament "employed to emphasize one factor in a given situation which constitutes 'the point of contact with another set of ideas,' already familiar to the reader," which would elucidate the fuller significance of the whole text."⁹² Moo adds, "The paragraph unfolds in a series of logical steps, each related to the former conjunction γάρ, 'for.'"⁹³ While righteousness is still the main topic, Paul addresses his "mainly Gentile readers," and Paul sincerely wants them to know his heartache for Israel and that "he takes no delight or satisfaction in Israel's fall."⁹⁴

Second, in Romans 10 as it begins, Paul's words and plea have beneath the surface a strong, almost begging, emotional appeal. Aristotle discusses three qualities

⁹⁰ Witherington, 259-60.

⁹¹ Stuhlmacher, 152.

⁹² Thrall, *Greek Particles*, 42. She notes Mark's use of "for" to introduce OT passages and themes in his gospel.

⁹³ Moo, 630.

⁹⁴ Moo, 631.

for the orator to produce conviction: good sense, virtue, and good will, such qualities while necessary in delivery are not to be presented without emotions.⁹⁵ He notes that “if a man is unemotional or not hopeful” it decreases the chances of the orator’s desire coming to pass.⁹⁶ Cicero addresses emotions as a necessary part of persuasion, the speaker himself feeling emotions he wishes to arouse in his hearers, stating, “For just as there is no substance ready to take fire as to be capable of generating a flame without the application of a spark, so also there is no mind ready to absorb an orator’s influence, as to be inflammable when the assailing speaker is not himself aglow with passion.”⁹⁷ Cicero further discusses the emotional appeal as both a moral duty and an act of loyalty in the language of Roman obligation, such words as loyalty, duty (*officium*), diligence, and the concept of the “good man,” a concept not absent from the Roman mind.⁹⁸ Paul’s plea in chapter 10 reveals both his *pathos* and *ethos* on the path of his logical argument to produce Christian action.

Third, in a reading of Romans 10, Paul understands the Jew-Gentile issue as more than just an issue of ethnicity and religious background. The strong and weak demarcation in the church felt the cultural pull of patronage, the Roman hierarchical social pattern, and social privilege where might makes right. Paul’s discussion of righteousness in Romans might be placed under the category of “privilege.” Bryan sees eight privileges under Jewish law that Paul list in Romans 9: adoption, glory, covenants, law, worship (λατρεία), promises, the fathers (Abraham, Isaac, Jacob), and “finally, ‘of their race, according to flesh, is the Messiah,’ underscores the fact that the Messiah was (and is) a Jew.”⁹⁹ Romans 10:1 begins with the word “brothers,” both an endearing term and an inclusive term addressed to the readers of Romans.

⁹⁵ Aristotle, *The Art of Rhetoric* 2.4-7.

⁹⁶ Aristotle, *The Art of Rhetoric* 2.4.4.

⁹⁷ Cicero, *On the Orator* 2.188-190.

⁹⁸ Cicero, *On the Orator* 2.192.

⁹⁹ Bryan, 169-70.

Paul's decisive turn from verse 9:30 and into chapter 10 begins to lay the framework for a proposal of a new way to view privilege. The problems in the church at Rome were similar to those in Corinth, and as Winter writes, "under Paul's patronage values had been inverted," and Paul's language of "brothers" indicates that people in the church "were no longer fawning and flattering parasites of private patrons, subservient to their ambitions and daily agendas, but they were family-the family of God."¹⁰⁰ Paul's use of brothers here is of significance because he begins the journey toward unity and the Christian *familial* understanding of privilege in God's household in his logical argument in Romans 10.

Paul also expresses his peculiar care and compassion in Romans 10:1 in the word εὐδοκία, a word that has in effect this meaning: to "consent, accept."¹⁰¹ It is "constantly attested in the papyri, almost always in a legal or financial contract."¹⁰² It is a word that both Jews and Gentiles would understand in context. With regard to Jews, "a comparison has been made to Mordecai: 'I was completely willing (εὐδοκία, LXX) to kiss the soles of his feet (Haman's) for the salvation of Israel.'"¹⁰³ With regard to Gentiles, the idea as Paul uses it in Philippians 1:15 of "a right will, pure intentions and benevolence toward Paul."¹⁰⁴ It is used in Luke 2:14 in the angelic announcement of the birth of Christ ("goodwill toward men"), while finding a connection with the salvation of God and his mercies as discovered "at Qumran of the expressions (1QH 4.32) 'the multitude of his mercies toward the sons of his good pleasure.'"¹⁰⁵ While "good will" here "expresses a heartfelt, gracious inclination," it

¹⁰⁰ Winter, *After Paul Left Corinth*, 203.

¹⁰¹ Ceslas Spicq, *Theological Lexicon of the New Testament* (trans. by James D. Ernest, vol. 2; Peabody, Mass.: Hendrickson, 1994), 99.

¹⁰² Spicq, *Theological Lexicon*, 99.

¹⁰³ Spicq, *Theological Lexicon*, 106.

¹⁰⁴ Spicq, *Theological Lexicon*, 106.

¹⁰⁵ Spicq, *Theological Lexicon*, 105.

also delivers the thought of benefits, “a good disposition to do God’s will.”¹⁰⁶ In summary, Paul combines the Jewish concept of goodwill related to salvation (in the multitude of his mercies) and the Graeco-Roman concept of gracious inclination, almost akin to the feeling or result of the recipients of Roman benefaction. Paul desires this for Israel and clearly states his goodwill at the outset of Romans 10.

Romans 10 can be segmented into two sections: (i) verses 1-13 which discusses the righteousness of men and the righteousness of God; and (ii) discusses the unbelief of Israel and the “inexcusable” nature of that unbelief.¹⁰⁷ Paul, according to Barrett, analyses the question, “How did the most religious of all peoples come to reject their own Messiah, for whose coming they had so long waited?”¹⁰⁸

As the question finds an answer it is important to observe the contrasts in Romans 9–11, especially with regard to righteousness in Romans 10. Talbert says, “Throughout Romans 9–11 are several contrasts: between grace and works (11:5-6), between election/call and works (9:11); between a righteousness from God and their own righteousness (10:3); between a righteousness through faith and a righteousness based on the law (9:30-31).”¹⁰⁹ As it relates to righteousness (10:2), Paul states that the Jews possess zeal, but that while they seek to stand on their own human righteousness by the “gracious privilege of being part of God’s people”, they were falling short of the righteousness of God by “not submitting to the right righteousness.”¹¹⁰ Their knowledge of God has “a disastrous flaw in it...not according to knowledge (ἐπίγνωσιν).”¹¹¹ The Jews do not know God as he “really is,” and

¹⁰⁶ Spicq, *Theological Lexicon*, 106.

¹⁰⁷ Barrett, 182, 189.

¹⁰⁸ Barrett, 182.

¹⁰⁹ Charles H. Talbert, *Romans* (Macon, Geo.: Smyth & Helwys, 2002), 254.

¹¹⁰ Witherington, 260.

¹¹¹ Cranfield, 2:514.

“there is a lack of comprehension at a vital point.”¹¹² Barrett adds, “The man who seeks to establish his own righteousness, however virtuous that may be, can only be a rebellious creature of God, for he is pressing himself into the Judge’s throne; the man who accepts God’s verdict and submits to God’s righteousness harmonizes with the universe, since he falls into his appointed place as a dependent creature.”¹¹³ Barrett’s concept of harmony with the universe seems far reaching, since Paul’s plea was simply a desire for following God’s righteousness practically and faithfully, with the simple thought of harmony in the church.

Romans 10:4, “For Christ is the end (τέλος) of the law for (εἰς) everyone who believes,” has puzzled scholars, according to Stuhlmacher, “hotly contested among interpreters of Paul,”¹¹⁴ as they seek to understand the meaning of τέλος.

Stuhlmacher focuses not on the Law, but on the Messiah, noting that Christ is not “the goal, but the end of the Law, which in turn opens up the righteousness of faith for everyone (Jews and Greeks) who believe.”¹¹⁵ Sandlay and Headlam interpret the verse as termination, that is, “Law as a method or principle of righteousness has been done away with in Christ.”¹¹⁶ Witherington says that τέλος “seems always to include the notion of termination, whatever other nuances it may have,” while concluding, “Christ has put an end to the Law as a way of pursuing righteousness.”¹¹⁷ Bryan notes that even modern translations like the NEB and JB give the idea of termination,

“Christ ends the law.”¹¹⁸

¹¹² Cranfield, 2:514.

¹¹³ Barrett, 184.

¹¹⁴ Stuhlmacher, 155.

¹¹⁵ Stuhlmacher, 155. He appears to contradict himself saying, “...Christ did not set aside the holy will of God, which had fallen under the reign of sin, but confirmed it and established it with new power!” (p. 155).

¹¹⁶ Sandlay and Headlam, 284.

¹¹⁷ Witherington, 261.

¹¹⁸ Bryan, 171.

Other scholars follow along the lines of Moo who views Paul's discussion as a part of the "usual category of salvation history," adding that Paul is "picturing the Mosaic law as the centre in the epoch in God's dealings with human beings that has now come to an end."¹¹⁹ "For what Paul says here is almost exactly what Jesus claims in one of his most famous theological pronouncements, 'Do not think that I have come to abolish the law and the prophets, I have not come to abolish them, but to fulfil them' (Matt 5:17)."¹²⁰ While Romans 10:4 is seen by Moo as the "hinge on which the entire section 9:30–10:13 turns," it, not coincidentally, means that Christ is both the righteousness for both the Jew and the Gentile.¹²¹

Εἰς "appears in an atmosphere where aim or purpose is manifestly the resultant idea."¹²² Couple this thought with Jesus' own words in Matthew 5:17, John 17:4 ("I have glorified you on earth; I have finished the work you have given me to do!"), and even those words of Jesus on the cross ("It is finished! [τετέλεσται]), and Paul's thought here is that Christ has come with the purpose or the goal of fulfilling the law so that everyone who believes may live in the power of God's righteousness, not their own. "Christ is the goal, the aim, the intention, the real meaning and substance of the law-apart from Him it cannot be properly understood at all."¹²³

Romans 10:5-7 contrast works and faith, Moses and Leviticus 18:5 serving as the example of works, while Paul personifies righteousness in 10:6, according to Cranfield, "The personification of the righteousness of faith is a rhetorical device which could be paralleled popular philosophical preaching of Paul's time in which virtues and vices are sometimes represented as speaking."¹²⁴ Paul quotes portions of

¹¹⁹ Moo, 642.

¹²⁰ Moo, 642.

¹²¹ Moo, 642.

¹²² Robertson, *A Grammar*, 594.

¹²³ Cranfield, 2:519.

¹²⁴ Cranfield, 2:522.

Deuteronomy 30:14 and 30:15 in the next two verses, and “it is significant that both these verses are warnings against a self-complacent, presumptuous boasting in one’s own merit.”¹²⁵ The significance lies in Paul’s contrast of obedience (Leviticus 18:5) as the “essence of the law,” versus (δέ) God’s will by faith through faith based on the resurrection of Christ.¹²⁶ Barrett clarifies, “The divine act of redemption (iii.24) has been already performed, not as a reward for legal righteousness but as an act of sheer grace.”¹²⁷ Further significance lies in the fact that Paul follows his argument from Romans 3:27, “Where is boasting then? It is excluded. By what law? Of works? No, but by the law of faith,” and is plodding toward the path of faith in Christ that calls for a surrender of a sense of privilege and hierarchy in relationships in the church at Rome.

“Faith,” as Paul quotes Deuteronomy 30:14, “alone is what God seeks, and that he himself provides.”¹²⁸ The “word,” *dabar* or ῥῆμα (LXX, also in Rom 10:8) is preached (κηρύσσω), and in Deuteronomy 30:11-14, “word” posits as a command, but can be “replaced” with Christ, because “as God brought his word near to Israel so they might know and obey him, so now God brings his word ‘near’ to both Jews and Gentiles that they might know him through his Son Jesus Christ and respond in faith and obedience.”¹²⁹ Deuteronomy 30:11-14 was also used later by Baruch 3:29-30 and Philo (*Posterity of Cain*, 84-85) to contend that the “law was accessible,” that the Israelites knew the law, it was close, it was “not too hard and not too far off;” now it finds use by Paul to “argue that the righteousness by faith is accessible and

¹²⁵ Cranfield, 2:523.

¹²⁶ Moo, 649-50.

¹²⁷ Barrett, 185.

¹²⁸ Barrett, 186.

¹²⁹ Moo, 653.

possible.”¹³⁰ What response is required is also possible by faith. What is that response?

Paul answers in 10:9 that the response is confession and belief, a confession of the lips; a belief in the heart, reversing the order of Deuteronomy 30:14, yet understanding confession and belief “as the same thing.”¹³¹ The confession parallels a formula that Paul gives in I Corinthians 12:3 and “furthermore the resurrection would clearly distinguish confession of Jesus as Lord from other such confessions in the Graeco-Roman world.”¹³² “Confession is the outward manifestation of this critical inner response,” namely a belief in the heart.¹³³

Romans 10:10-13 reiterate Paul’s belief in the heart as related to righteousness and that the belief in the resurrected Christ would not bring shame to the one who believes. Paul works back to his three concepts of faith, righteousness, and salvation, while quoting Isaiah 28:16 again as he did in Romans 9:33 and giving it a “universal scope” by adding *πᾶς*-all.¹³⁴ Witherington notes that the Isaiah quote raises “the matter of honour,” which, coupled with the universal nature of “all” cannot be missed by his readers.¹³⁵ As Paul winds down in this section he stresses that “though they (Jews) have to learn the humbling lesson that righteousness with God is not theirs by right of descent or merit, they also stand under the promise that they too share that righteousness through faith.”¹³⁶ “God is one and the same for both (Jews and Greeks) and he shares his riches of forgiveness by grace to all who those who ‘call upon’ him.”¹³⁷ “Paul’s stress is on the wideness of God’s mercy, not the narrowness of the

¹³⁰ Talbert, 257.

¹³¹ Cranfield, 2:526.

¹³² Witherington, 263.

¹³³ Moo, 657.

¹³⁴ Barrett, 188.

¹³⁵ Witherington, 263.

¹³⁶ Cranfield, 2:531.

¹³⁷ Stuhlmacher, 157.

size of the remnant or elect group.”¹³⁸ Ultimately, Paul works into the depth of his argument, one of his rhetorical reminders in his plea, that there is no distinction between Jew or Greek in God’s eyes in the heart of grace and that privilege, social hierarchy, and the elitist mentality of the “strong” over the “weak” finds no basis for genuine honour in the church where the resurrected Christ is confessed and believed.

Romans 10:14 begins with the Greek construction πῶς οὖν, connecting the previous verses to the latter in “direct relationship.”¹³⁹ Romans 10:14-21 describes the “chain or sequence of events required for someone to be saved.”¹⁴⁰ Paul emphasizes preaching, κηρύσσω, and its cognate forms in this section, communicating clearly that “salvation happens because someone has been sent, that person has preached, someone else has heard, the one who has heard has believed, and the one who has believed has called on the Lord and so been saved.”¹⁴¹ Salvation comes in response to the hearing of the word and faith in Christ.

Paul’s plea continues in Romans 10:15 as he quotes Isaiah 52:7 speaking of the beautiful feet of the person who delivers good news. Stuhlmacher sees Isaiah and Joel (quoted in Rom 10:13) as prophets who announced the coming reign of God, whereby, “at the inauguration of the royal reign of God there will be a great number of people who hail God and spread abroad the news of the commencement of his reign.”¹⁴² Isaiah and Joel predicted carriers of the good news, messengers, would arrive preaching the reign of God and Paul indicates that such a time has come and prophecy has been fulfilled; thus in the “preaching of the gospel, this eschatological hour has already been inaugurated with Jesus’ exaltation to the position of being

¹³⁸ Witherington, 263.

¹³⁹ Stuhlmacher, 158.

¹⁴⁰ Witherington, 264.

¹⁴¹ Witherington, 264.

¹⁴² Stuhlmacher, 159.

Lord.”¹⁴³ The gospel preached by these messengers and apostles is a gospel of peace and good news. In the Roman psyche of Caesar’s lordship and *Pax Romana* the εὐαγγέλια was used in common vernacular such as good news for a legal verdict.¹⁴⁴ Paul’s use of the word here provides a subtle contrast to the lordship, peace, and good news of the gospel. There is a sense that Paul subtly contrasts the good news of Augustus and Christ in the language he chooses as it relates to the faith and hearing of the gospel.

In regard to faith and hearing in Romans 10:14-18, Bryan notes the “wordplay based on *pisteuein* (‘have faith’) and its cognates and *akouein* (‘hear’) and its cognates.”¹⁴⁵ “It works well rhetorically,”¹⁴⁶ a rhetorical “chain of syllogisms,”¹⁴⁷ the ἄρα climaxing a syllogism, concluding that faith comes by hearing and that “preaching which awakens faith is itself indebted and serves the gospel of Christ.”¹⁴⁸ This gospel has been heard by Israel and they are without excuse, appraising Moses (Psalm 19:4) and Isaiah (65:2) as witnesses to the gospel both Israel’s invitation and opportunity to welcome the gospel preached.

Paul’s plea for unity unfolds in the one Greek word and one powerful image. The word used to reference Isaiah’s quote, “But Isaiah is bold and says,” is ἀποτολμᾷ, “bold,” a word used only once in the New Testament. Josephus uses ἀποτολμᾷ when he discusses the *bold* pronouncement of philosophers against God.¹⁴⁹ Josephus writes these words in the context of addressing law, harmony (Roman concord), and unity saying, “Unity and identity of religious belief and perfect uniformity in habits and customs (*mores*), produce a very beautiful concord in human

¹⁴³ Stuhlmacher, 159.

¹⁴⁴ Cicero, *Letters to Atticus* 23 (2.3.1). “First a trifle of good news. Valerius has been acquitted...”

¹⁴⁵ Bryan, 176.

¹⁴⁶ Bryan, 176.

¹⁴⁷ Stuhlmacher, 159.

¹⁴⁸ Stuhlmacher, 160.

¹⁴⁹ Josephus, *Against Apion* 2.180.

character.”¹⁵⁰ The powerful image is that of open arms outstretched, like a father opening his arms to a prodigal standing in front of him, God to his people Israel, and the refusal of God’s people to respond. God “is presented as a parent stretching out his arms toward a wayward child all day long, but the child is obstinate and wayward.” Israel lacked faith even though they heard the gospel, choosing to remain disobedient and contradicting the gospel of God in Christ. Paul’s anguishing plea matches God’s plea here, yet “the paradox of the Gentiles’ faith will be matched by the paradox of Israel’s disobedience.”¹⁵¹ Faith was essential to the unity and unity to the development of faith. Has God, then, rejected Israel?

4. *Paul’s Experience (Romans 11)*

Paul begins Romans 11, as he so often does in Romans, with another rhetorical question.¹⁵² As in the two previous chapters before Romans 11 Paul’s pathos and passion seem to leap off the page, while in Romans 11:1 he asks the question, “Has God cast away his people?” The theme of the whole section is categorically stated in v. 2a: “God has not cast off his people whom he foreknew.”¹⁵³ The section can be divided into three parts: (i) Romans 11:1-10 explaining that God has not cast away his people because of his grace; (ii) Romans 11:11-24 denoting how the Gentiles have been grafted into the reconciliation and salvation of God; and (iii) Romans 11:25-36 which explains the mystery of salvation and salvation’s end by a hymn of praise and has rhetorical questions concerning his wisdom in response to God’s mercy upon all (Rom 11:31).¹⁵⁴ Paul’s experience as a Jew “in the seed of Abraham, of the tribe of Benjamin”(11:1), “is taken simply to mean that Paul’s existence as a Jew who is also

¹⁵⁰ Josephus, *Against Apion* 2.179.

¹⁵¹ Barrett, 190.

¹⁵² Moo, 671.

¹⁵³ Cranfield, 2:542.

¹⁵⁴ Talbert, 259-67.

a Christian proves that the Jewish people as a whole cannot have been rejected.”¹⁵⁵ Romans 11:1 focuses on the fact that Paul was sent as an apostle to the Gentiles and the “fact that God called an Israelite for the task is surely the clearest possible evidence that Israel and her children continue to participate actively in the work of Christ and God’s purposes for the world.”¹⁵⁶ Paul never loses sight of the “historical facts of the Christian mission” which are so “intertwined with his theological interpretation.”¹⁵⁷

Not only has God not rejected his people, but he summarizes I Kings 19:9-18 “to make his point: the example of Elijah is drawn from Israel’s history to illustrate God’s plan in the present situation,” that is, just as God left a remnant of seven thousand men in Elijah’s day, so now he leaves a remnant in the day in which Paul writes.¹⁵⁸ Paul’s use of example, a rhetorical device where history is viewed as “a means of ethical education,” is frequently applied.¹⁵⁹ This technique was used by Homer and Isocrates in an effort to persuade and teach moral goodness with the “desire to be best” and the goal of achieving moral excellence “by imitating the deeds of others and thus achieve similar glory.”¹⁶⁰ This technique will be applied by Paul in the climax of his argument regarding obligation in Romans 15.

Romans 11:5-10 addresses the fact that God has left “a remnant according to the election of grace” (v. 5) and the elect “serves further to emphasize that the existence of the redeemed community is God’s action and God’s grace, not human achievement.”¹⁶¹ Paul understands the election by grace, but it is not received by all Jews. Some Jews are hardened and blind, citing “two sets of scriptures to back up the

¹⁵⁵ Cranfield, 2:544.

¹⁵⁶ Bryan, 177-78; Luther, 305.

¹⁵⁷ Barrett, 193.

¹⁵⁸ Fitzmyer, 604.

¹⁵⁹ Skidmore, *Practical Ethics*, 8.

¹⁶⁰ Skidmore, *Practical Ethics*, 8.

¹⁶¹ Bryan, 178.

claim-first Deut. 29:4 and Isaiah 29:10 and then Psalm 68:22-3 and 35:8.”¹⁶² “In both sets of texts the hardening is described as spiritual darkness, blindness, or imperceptiveness.”¹⁶³ Paul’s experience in Acts 9 could be described as a legalistic hardness of heart as he aimed to persecute the church and as blindness on the Damascus Road, but, ultimately, he experienced God’s transforming mercy and gift of grace. Mercy and grace serve as a hint for Paul’s discussion in Romans 12:1-2. He offers these Scriptures as a means of opening a door of hope as a “sign of hope which God had established for Israel.”¹⁶⁴

This hope is explained in Romans 11:11-24, a hope as wide as God’s mercy and a hope transported through Paul’s image of a grafted branch. Stuhlmacher explains,

Because Israel’s hardening remains within the purview of God’s work of purification on behalf of his people, Paul can look beyond the time of Israel’s present delusion. He thus states that if the fall of the majority of Israelites, that is, their diminution to a very few who have become obedient to the gospel (cf. 10:16; 11:5), has already enabled the Gentile world to attain the riches of salvation, then how much more will the reacceptance and salvation of the full number of Israel mean someday for the world! In other words, on that day when God will lead Israel (11:26) to salvation, his reign will begin conclusively.¹⁶⁵

Barrett adds, “Israel will be provoked to envy by the Gentile attainment of righteousness, and so fly to God’s mercy, so that God may in the end bestow righteousness on her, too.”¹⁶⁶ He also notes that Paul uses ἡττημα, “derived from a comparative (ἡττων), meaning, ‘inferior,’ ‘less,’ ‘smaller.’”¹⁶⁷ “Smaller” seems to be the sense here and while it is not certain if that is Paul’s meaning here, but he could be

¹⁶² Witherington, 266.

¹⁶³ Witherington, 266.

¹⁶⁴ Stuhlmacher, 163.

¹⁶⁵ Stuhlmacher, 167.

¹⁶⁶ Barrett, 198.

¹⁶⁷ Barrett, 214.

making a subtle reference to the inferior Jews as a part of God's plan for the reconciliation of the world, the reconciliation as a benefit for the Gentiles.¹⁶⁸

In Romans 11:13 Paul speaks to the Gentiles and portrays the branches broken off as the unbelieving Jews and the branches grafted in as the believing Gentiles. These grafted Gentiles “enjoy the privileges and benefits described as the ‘rich root of the olive tree,’” quite literally, a string of genitives, “of the root of the richness of the olive tree.”¹⁶⁹ The Gentiles “were grafted in and became fellow sharers in the fatness (that is the sap) of the root of the olive tree,” a “symbol of the blessings of that religious heritage and the promises that go with it.”¹⁷⁰

Paul concludes Romans 11:25-36 with an emphasis upon salvation and the universality of the gospel, while rehearsing “the salvation-historical drama” again by drawing ‘our special attention to this restatement by introducing it as a ‘mystery.’”¹⁷¹ For Paul, the mystery “denotes a secret knowledge about a decision hidden in God from of old, now revealed in and through Jesus Christ for the salvation of all humanity; it is an unfolding manifestation of God's eschatological activity.”¹⁷² Paul again returns to his inclusive, familial term “brothers” that he used in Romans 10:1. For him the mystery leads to mercy, the mercy leads to a doxology of praise, and the praise leads to glorify God. Paul ends Romans 11 speaking of God's mercy and transfers that to a hymn of praise about the riches of God's wisdom and knowledge, including his glory.¹⁷³ “Therefore, as a direct result of their (believers) insight gained from faith, praise and glorification for all eternity are due to God who (through Christ) has created all things, sustains all things, and not only desires, but will also

¹⁶⁸ Barrett, 214. Barrett says, “The details of this verse may thus remain in obscurity...,” but Paul's eschatology pours through.

¹⁶⁹ Barrett, 201 n. 1, 196.

¹⁷⁰ Witherington, 271.

¹⁷¹ Moo, 712.

¹⁷² Fitzmyer, 621.

¹⁷³ Stuhlmacher, 176.

save all things from the dominion of death and evil!”¹⁷⁴ The mercy, praise and glory of God declare the “comprehensive horizon” of God’s righteousness.¹⁷⁵ Paul’s experience of salvation by faith through God’s mercy and grace reciprocated a response of praise and glory to God.

Paul’s overarching concern, and one that he combats in his discussion in Romans 9–11, is the anti-Semitic crossover in the church in Rome. The church began near the synagogue and started with predominantly Jewish believers.¹⁷⁶ As has been discussed Claudius expelled the Jews and Jewish Christians in AD 49 so Jewish Christians who departed from Rome and the church returned to later.¹⁷⁷ The church became predominantly a Gentile church and “after Claudius’ death when Jewish Christians returned to the city, they found a minority in a predominantly Gentile church that had little sympathy with Judaism.”¹⁷⁸ As the Jews returned to the church in Rome, the Gentiles, culturally, held “many of the common prejudices about Jews in general.”¹⁷⁹ Quite simply, anti-Semitism had arrived in the church and Paul in his pathos, plea, and experience grieved that the church had been infiltrated in its early stages with hierarchical patterns of superiority and had not moved past anti-Semitism to the realization of Christ’s expectation of equality and privilege to none (socially), but privilege to all (spiritually) under grace.¹⁸⁰

Paul’s message to the Gentiles, “a diatribe form” starting in Romans 11:19, is one indicating that they should not be proud nor boastful.¹⁸¹ Talbert says, “One manifestation of this new situation was that Gentile Christians made claims to the

¹⁷⁴ Stuhlmacher, 176.

¹⁷⁵ Stuhlmacher, 177.

¹⁷⁶ Talbert, 262.

¹⁷⁷ Talbert, 262.

¹⁷⁸ Talbert, 263.

¹⁷⁹ Talbert, 263.

¹⁸⁰ *Contra Moo*, 703-4. He says, “Gentile-Christian boasting over Jews is probably not the result of anti-Semitism generally, but of a mistaken reading of the course of salvation history.”

¹⁸¹ Talbert, 262; J.C.T. Havemann, “Cultivated Olive-Wild Olive: The Olive Tree Metaphor in Romans 11:16-24,” *Neotestamentica* 31 (1997):87-106.

effect that Gentile belief and Jewish unbelief meant that Gentiles had replaced Jews in God's salvific plan."¹⁸² Ambrosiaster puts it succinctly and in language of the strong and the weak, "Paul wants to stop this boasting, so that we might rejoice in our salvation rather than insult the weak."¹⁸³ What words did Paul use to ask the Gentiles to stop insulting the weak?

Paul uses a key word and phrase, words loosely connected to the concept of Roman obligation. The word is "boasting," κατακαυχῶ (Rom 11:18) and the phrase is "be not highminded" (Rom 11:20). The intensive use of καυχάομαι emphasizes the arrogance and superiority of the one boasting, such as a grave inscription where a Roman gladiator "boasted" over his defeated enemy.¹⁸⁴ Aristotle used it of a person who mocked another's youth.¹⁸⁵ Clarke says, "... a study of the Greek verb καυχάομαι and its related forms shows that before the first century AD it was relatively infrequently used in literary sources," but that is not "to suggest that the *concept* of boasting was infrequent to the Hellenistic world."¹⁸⁶ Several words synonymous with boasting and "more commonly used" were περιαιτολογία, ὕβρις, ὑπεροψία and ἀλοζοεία.¹⁸⁷ Marshall notes ὕβρις indicates pride and arrogance, that such forget their strength and gifts come from God, and "the *hybrist* considers himself superior to all riches, estimation, beauty, strength, wisdom, temperance, justice, eloquence, knowledge; while everyone else he regards as poor, disesteemed, unhonoured, foolish, unjust, ignorant, outcast, in fact good for nothing."¹⁸⁸ Judge

¹⁸² Talbert, 263.

¹⁸³ Cited in Gerald Bray, *Romans* (Downers Grove, Ill.: InterVarsity, 1998), 294-95.

¹⁸⁴ Walter Bauer, *A Greek-English Lexicon of the New Testament and Other Early Christian Literature* (Chicago: Chicago University Press, 1979), 411.

¹⁸⁵ Aristotle, *Polemics* 1311b.4.

¹⁸⁶ Clarke, *Secular and Christian Leadership*, 97.

¹⁸⁷ C. Forbes, "Comparison, Self-praise and Irony: Paul's Boasting and the Conventions of Hellenistic rhetoric," *NTS* 32 (1986): 13; Clarke, *Secular and Christian Leadership*, 97.

¹⁸⁸ Peter Marshall, *Enmity in Corinth: Social Conventions in Paul's Relations with the Corinthians* (Tübingen: Mohr, 1987), 208.

mentions the Roman world of rhetoric and boasting as a “society of self-admiration, including of course its deceptive aesthetic refinements, was absolutely *de rigueur*,” that is, “strictly required,” or in a Latin sense, “frozen,” “rigid.”¹⁸⁹ Boasting was a rigid part of the Roman culture, the kind Paul admonished the Gentiles not to practice toward Jews in a superior, anti-Semitic fashion in the church.

Of special interest is another use of κατακαυχᾶται in James 2:13, “For he shall have judgment without mercy, that has showed no mercy; and mercy triumphs (κατακαυχᾶται) over judgment.” James’s use of the word indicates that the only privilege of superiority rests in the judgment of God’s mercy, a concept not foreign to Paul’s argument in Romans 9-11 and also Romans 12.

Paul also uses the phrase “be not highminded,” to forbid boasting and superiority by the Gentiles. Dionysius of Halicarnassus speaks of a great general named Marcius, who was “superior to all the pleasures that dominate young men,” “high-minded,” and “inferior to none of the aristocratic party.”¹⁹⁰ Paul uses the word in II Timothy 3:4 to describe lovers of selves: “traitors, heady, high-minded, lovers of pleasures more than lovers of God.” Boasting, here, takes on a negative connotation for the Gentiles who are not to consider the Jews inferior and themselves superior. Paul’s experience of anti-Semitism in Roman culture has no place in the church in Rome.

5. Conclusions

One of Paul’s major concerns in the church was the racial polarization, the division caused by a superior, anti-Semitic, boastful attitude and conduct in the church. He passionately defended the privileges of both Jews and Gentiles based on the mercies of God and reminded them that the concept of privilege surrenders to grace. Paul

¹⁸⁹ Judge, “Paul’s Boasting in Relation to Contemporary Professional Practice,” *ABR* 10 (1968): 47.

¹⁹⁰ Dionysius of Halicarnassus, *Roman Antiquities* 8.60.1-2.

anguished and pleaded over the rigid boundaries drawn by the strong Gentiles and the weak Jews in the church. This reflected his personal experience of God's grace as a Jew who became a Christian and the import of conduct transferred into his heart.

Paul uses Old Testament examples throughout Romans 9–11, Elijah, Isaiah, and others, as a means of rhetorically illustrating and defending his heart's desire. He challenges Gentile Christians, asking them to stop their proud boasting and to stop turning their seemingly superior noses up at Jewish Christians who had come back into the church after the death of Claudius.

Paul's *prolegomenon* to the resolution of racial polarization in Romans 9–11 is an anchor of hope in both God's transforming mercy and gift of grace. In Romans 9–11 Paul opens a window to cast the light of God's mercy on the Gentile and the Jew as a step on the path to finding resolution of the conflict between the strong and the weak. Romans 9–11 warns against the arrogance of Roman Christians while forming the foundation for a whole new obligation to handle conflict in the church. The section begins to pave the way for a new kind of response counter to the way the Romans have instinctively dealt with the masses and conflict in Roman culture. The next chapter will speak to the application of mercy in actual conduct and the power of God's gifts of grace in service. It will also introduce a new obligation for the church at Rome.

Chapter 7: The New Obligation for the Church in Rome

Introduction

It has been demonstrated in Paul's *prolegomenon* to conflict resolution that there was racial polarization in the church at Rome. Cicero summarizes the attitude of Rome and the challenge which Paul had to overcome in the church. He speaks of the "safety of the state" and the "wisdom of the best men," describing them as "men who are superior in virtue, and in spirit [who] should rule the weaker, but also that the weaker should be willing to obey the stronger."¹ To end racial polarization in the church it is necessary to introduce the new obligation and its basis for conflict resolution from Romans 12 and 13.² Paul instructs his readers, both Jew and Gentile, on the practical, necessary steps to take before conflict resolution can take place in the church.

In this chapter evidence will reveal that Paul is setting forth a new obligation. In order to demonstrate obligation, it is proposed: (1) to discuss social obligation; (2) to discuss Romans 12 contrasting two ways to live; (3) to discuss the foundation of the new obligation as prefiguring Romans 15 in the context of the mercies of God; and (4) to discuss the new obligation that Paul describes in Romans 12-13 as specific obligations in the form of Greek imperatives pertaining to proper Christian conduct and healthy social relationships.

1. *Social Obligation*

John Chow discusses Roman Corinth and I Corinthians in light of patronage, saying, "They [patrons and clients] are bound together mainly because their tie can serve their

¹ Cicero, *The Republic* 1.51.

² Reasoner, *The Strong and the Weak*, 187. He acknowledges Romans 12-13 in terms of obligation by saying, "Then with 12:1-2, Paul begins to spell out the obligations that church members in Rome have toward each other (12:3-21), toward their government (13:1-7), and to society in general (13:8-14)." Reasoner does not expand on Romans 12-13 in his monograph, but for the purpose of understanding Roman obligation it is important in this thesis.

mutual interests through the exchange of resources.”³ Paul’s letter to the Romans can be seen in a similar vein with patronage serving “as the background for understanding the relational ties” and obligations in the Christian community in Rome.⁴ The binding nature of patronage flows from Roman law and the conduct required of patronage indicates an obligation.⁵ Riggsby speaks of a social superior (patron) and social inferior (client) and the “social superior who was supposed to look out for a set of social inferiors, who in turn were loyal and supportive of him.”⁶ Patronage implies a “duty,” often one or more duties that might invite the “public visibility” of the duty.⁷ The duty may be an absolute duty or “right” (κατόρθωμα) or a “mean” (καθήκον) duty “for the performance of which an adequate reason may be rendered.”⁸ Duties can follow the line of justice or wisdom, or a legal or social obligation.⁹ According to Cicero, “If wisdom is the most important of virtues, as it certainly is, it necessarily follows that that duty which is connected with the social obligation is the most important duty.”¹⁰

Cicero reminds the reader that duties are of “the supreme good” and are associated with “practical rules by which daily life in all its bearings may be regulated.”¹¹ Furthermore, Cicero stresses the importance of “our duty to the immortal gods,”¹² duty in social relations, and “our moral obligation” that is due to country,

³ John K. Chow, “Patronage in Corinth,” *Paul and Empire: Religion and Empire in Roman Imperial Society* (ed. Richard Horsley; Harrisburg, Penn.: Trinity Press, 1997), 105.

⁴ Horsley, ed., *Paul and Empire*, 125.

⁵ Riggsby, *Roman Law*, 50.

⁶ Riggsby, *Roman Law*, 50.

⁷ Phebe Bowditch, *Horace and the Gift Economy of Patronage* (Los Angeles: University of California Press, 2001), 24, 1-63.

⁸ Cicero, *On Duties* 1.8. Paul uses καθήκοντα in Romans 1:28.

⁹ Cicero, *On Duties* 1.153.

¹⁰ Cicero, *On Duties* 1.153.

¹¹ Cicero, *On Duties* 1.7-8.

¹² Cicero, *On Duties* 1.160.

parents, children, family, and friends in the “intimate relationship of life and living, counsel, conversation, encouragement, comfort, and sometimes even reproof...”¹³

Romans chapter 11 ends with a word about the wisdom of God (11:33-36).

Romans 12:1-2 begins with an obligation to God. Romans 13:1-3 begins with an obligation to country, so to speak. Romans 12 and 13 focus, in general, on the performance of obligations as citizens responding to God in his kingdom (Rom 14:17) or as children (inferior) responding to the father (patron, superior) God in his household (edification or “building up,” Rom 14:19; 15:2). It is suggested that Paul presents social obligations for the Christian community in Rome in the realms of God’s kingdom and his family. These chapters in Romans (12-13) help pave the way for Paul’s final climax of obligation in chapters 14-15.

2. *Two Ways to Live*

Paul understands that the conflict in the church in Rome occurs, in part, because of two different sets of expectations: the way of Rome which imposed conformity to culture, and the Christian way through the transformation of Christ.

Roman society was one of “cultural conformity and invention.”¹⁴ A key aspect of that conformity, according to Judge, was Roman order of a “structural model of social relations” related to rank and status, including “the way people use their rank to assert superiority over each other.”¹⁵ Rome, in law, in politics, in social practice, and in its quest for honour and dignity, distinguished itself as society “where clearly the sense of hierarchy ruled behaviour.”¹⁶

¹³ Cicero, *On Duties* 1.160; 1.58; Philo, *The Unchangeableness of God* 50; Philo, *Special Laws* 1.54. Philo mentions obligation to God, “a most vital duty,” and civic, family and moral obligations.

¹⁴ Judge, “Cultural Conformity and Invention in Paul: Some Clues from Contemporary Documents,” *TynB* 35 (1984): 3-24.

¹⁵ Judge, “Cultural Conformity and Invention in Paul: Some Clues from Contemporary Documents,” *TynB* 35 (1984): 5.

¹⁶ MacMullen, *Roman Social Relations*, 112.

Roman society operated on the foundation of Roman law with life and law intertwined in daily social relations.¹⁷ Winter notes that “Roman law was constructed with a bias toward social privilege.”¹⁸ It influenced society as a cohesive force and was the primary means for keeping order, keeping citizens in check, providing social boundaries and implementing social control, often through coercion (*coerceo*). In Caesar’s *Civil Wars* Scipio is described as a man of authority whose judgment could both compel and control one who was going astray, such control falling under two concepts: his “strength to coerce,” and “the peace of the provinces, the safety of the empire.”¹⁹ Roman coercion was not always pleasant. Seneca notes the kind of benefits (*beneficia*) in social practice that are tormenting, “stern and harsh, ...such as confinement (*coercere*) in chains.”²⁰ Ovid even uses the word in *Metamorphoses*, poetically describing two dragons whose mouths were “curbed” (*coercuit*) with the bit (like horses).²¹ These word uses give a sense of Roman law: control and coercion for the sake, in the minds of Romans in authority, of peace and safety. Roman law, its peace and safety for the empire, was interpreted by the privileged in society working as a lubricant to cohere different groups of people often forcing conformity through coercion.

Roman power, or authorities (ἐξουσίαις) as Paul refers to them in Romans 13:1, was the “establishment of the imperial monarchy” as the key to the “most suitable framework for Roman society,” ruled by the aristocratic leaders and those on the upper scale of the social strata, according to Alföldy.²² The aristocracy was a “closed order, founded upon birth and upon its functions and privileges in the

¹⁷ Crook, *Law and Life*, 1-8.

¹⁸ Winter, “Roman Law and Society in Romans 12-15,” in *Rome in the Bible and the Early Church* (ed. Peter Oakes; Grand Rapids: Baker Academic, 2002), 67.

¹⁹ Caesar, *The Civil Wars* 3.57.

²⁰ Seneca, *On Benefits* 5.20.2.

²¹ Ovid, *Transformations* 5.643.

²² Alföldy, *Social History*, 94.

economic, social, political and religious spheres.”²³ Dionysius of Halicarnassus

viewed Roman power as a relationship between superiors and inferiors:

But when they were, he resolved to go out of the camp with a few of his men and to meet his mother, after first ordering his lectors to lay aside the axes which were customarily carried before generals, and when he should come near his mother, to lower his rods. This is a custom observed by the Romans when inferior magistrates meet those who are the superiors, which continues even to our time; and it was in observance of this custom that Marcius, as if he were going to meet a superior power (ἐξουσία), now laid aside all the insignia of his own office (ἀρχῆς). So great was his reverence and his concern in the tie of kinship.²⁴

Valerius Maximus adds that the laws are like spiders’ webs: just as spider webs catch weaker creatures but let the stronger ones through, “so the humble and poor are restricted by the laws, but the rich and the poor are not bound to them.”²⁵ Roman power had legal connotations that were related to social relations, honour, wealth, status, patronage, property, households, friends, reputation and where a person fit on the social scale, such as to whom he was indebted financially or personally in terms of service.²⁶ Determining who was in authority in a given social situation and asking, “Who is in authority?” was a necessary social function of living in Roman society. It was the kind of question that Romans in society asked and kept the answer in their minds daily for necessary, spontaneous response.

Asking “who is in authority” may also be a question on the mind of Paul as he writes to the Christians in Rome, a question that both Jews and Gentiles needed to ask in their own hearts and lives as it related to the kingdom of God, Christ, and his church. However, Roman authority not only controlled government, but also dealt in practical matters like the meat market (*macellum*),²⁷ the food supply with its “office

²³ Alföldy, *Social History*, 7.

²⁴ Dionysius of Halicarnassus, *Roman Antiquities* 8.44.3-4.

²⁵ Valerius Maximus, *Memorables Doings and Sayings* 7.2.14.

²⁶ Garnsey and Saller, *The Roman Empire*, 148-59.

²⁷ Winter, *After Paul Left Corinth*, 6-7.

of the prefect of the grain supply (*praefectus annonae*)”²⁸ and demonstrated their authority in the public square by the way they dressed (purple stripe on toga) or their entourage of friends. These issues were rehearsed in Roman minds to follow proper order in social practice in a conformity culture.

If Roman authority enforced conformity, status reminded each person in Roman society of his or her position and the required reciprocal response in social relationships. Status was “legal privilege” and protection, while in “both criminal and civil spheres it unashamedly favoured those of superior social status.”²⁹ The language of Romans 12 indicates that Paul was aware of status and its importance in the political drama and the social function of the Roman world. Words that Paul uses in Romans 12 indicate such a warning against an air of superiority in the church: “not to think more highly that he ought to think” (Rom 12:3), honour (Rom 12:10), and “mind not high things, but condescend to men of low estate” (Rom 12:16). Paul’s words were counter to what society both invited and expected. Epictetus says, “I would have the rest of you always remember, then, and be ready to apply the following truth: That this is the law of nature for the superior to have the better of the inferior...”³⁰ While status and “Roman social class constituted the very fabric of society and defined one’s place in it,” it also “bred strife and jealousy both between and within different classes.”³¹ Status did not necessarily disappear in the church, but had to be set aside for higher means of pleasing Christ and relating to people in the same manner as Christ related.

²⁸ Peter Garnsey, *Famine and Food Supply in the Graeco-Roman World: Responses to Risk and Crisis* (Cambridge: Cambridge University Press, 1988), 218.

²⁹ Garnsey, *Social Status and Legal Privilege*, 227, 235; Winter, “Roman Law and Society in Romans 12-15,” 67.

³⁰ Epictetus, *Discourses* 3.17.6.

³¹ Winter, “Roman Law and Society,” 79.

Status also combined with rank, status referring to “positions of influence,” and rank “meant to denote any formally defined position in society,”³² to clarify superior inferior demarcations in society that then contributed to the Roman culture of conformity. MacMullen describes the air of superiority in regard to rank:

Secure in interlaced wealth, acquaintance, and kinship, gentlemen earned yet another nickname: “the Haughty.” They earned it by conspicuous consumption expressive of their vast resources and, by implication, an insult to the poor. They earned it by the progress through the streets, sweeping the *hoi polloi* to the walls. And they earned it by just the same gestures and expressions of face we use today to show hauteur—torso tilted back, nose in the air, eyebrows raised.³³ “I am superior to you,” Epictetus imagines one of them saying...³⁴

Often the powerful in rank “exercised a number of unfair advantages in the judicial system of the first century”³⁵ as well as in daily Roman life. Citizens could be punished, demoted, and charged with the neglect of their duties.³⁶ In daily exchange in relations the “powerful also exacted bribes, on a small scale but as a matter of habit.”³⁷ It was “the powerful made the law, the same men who felt free to claims of peer loyalty, patronage, and favouritism.”³⁸ Rank and status were a key element in maintaining law and order, while supplying the substance for obligation, domination, conflict resolution, and, often, cruel acts done in the name of privilege based on law, “which enshrined established conventions for the privileged and regulated relationships between social inferiors and superiors.”³⁹ The machinery of Roman law and social practice in these established conventions regulated relationships in such a

³² Judge, *Rank and Status*, 9.

³³ MacMullen, *Roman Social Relations*, 110; A. Buchler, *Political and Social Leaders of the Jewish Community of Sepphoris in the Third and Second Centuries* (London: Jew’s College, 1909), 17-ff.; Moise Schwab, *Le Talmud de Jerusalem* (Paris: Bessan & Chantermerle, 1960), 1.405. Eusebius, *Praep. Ev.* 6.41.

³⁴ Epictetus, *Discourses* 3.14.11-14.

³⁵ Winter, *After Paul Left Corinth*, 62.

³⁶ Nippel, *Public Order*, 7; Valerius Maximus, *Memorable Doings and Sayings* 2.9.7; Livy, *History* 24.18.7-8.

³⁷ MacMullen, *Romans Social Relations*, 113.

³⁸ MacMullen, *Romans Social Relations*, 112-3.

³⁹ Winter, “Roman Law and Society,” 69.

way that there was little room for discussion or flexibility. Conformity, in a sense, became a Roman obligation, or, obligation enhanced the conformity.

The culture of conformity has been called “the grand strategy of the Roman empire,” as Edward Luutwak gives the title to his book. The strategy coerced conformity in Rome and the Romanization of conquered regions produced conformity beyond, a bleeding together of two Romans systems in the first century: in “the first system the Romans of the republic conquered much to serve the interests of the few, those living in the city-and in fact, those best placed to control policy,” the second near the second century AD, which “evolved a more benevolent conception of the empire.”⁴⁰ Conformity, then, including conquering regions and peoples and indoctrinating them into Roman law, customs, and social relations. Luttwak suggests the expansion and Romanization was both political and military, “The superiority of the empire, and it was vast, was of an altogether more subtle order: it derived from the whole complex of ideas and traditions that informed the organization of Roman military force and harnessed the power of the empire to political purpose.”⁴¹ The complexity of ideas and traditions both politically and militarily filtered down to people in daily life in the form of obligations and a sense of order, just as Augustus in his “duties of administration,”⁴² had envisaged. Cicero often described these ideas and traditions in the Roman world as an “obligation due.”⁴³ Practically, conformity “developed techniques for creating obligation”, which engineered in social relations “a close bond of intimacy which depended upon conformity to the wishes of the more

⁴⁰ Edward N. Luutwak, *The Grand Strategy of the Empire: From the First Century AD to the Third* (Baltimore: John Hopkins Press, 1976), 5.

⁴¹ Luutwak, *The Grand Strategy of the Empire*, 2.

⁴² Suetonius, *The Deified Augustus* 2.3.

⁴³ Cicero, *On Duties* 1.58.

powerful.”⁴⁴ Roman culture aimed for conformity for the purpose of concord and peace.

Paul’s words in Romans 12:2, “Do not be conformed (*conformari*) to this world” (καὶ μὴ συσχηματίζεσθε) must have jolted the readers who lived in the Roman world. Conformity to the world was an “arrangement” like words in an eloquent speech,⁴⁵ a subduing of passions,⁴⁶ and the shape, form, example or scheme of concepts “conformed to the ancient precedents.”⁴⁷ The Greek idea of conformity as Aristotle used it was to “remodel” so as to make a definition clear.⁴⁸ Plutarch used it in the sense of carrying an image, shape, or even a thought that affects our consciousness, possibly even a person’s actions.⁴⁹ The concept of conformity in its cognate form σχηματίζω in Greek thought also communicates the idea of “posture”⁵⁰ like the posture of a ballerina dancing and the concept of “decking out or dressing up” for an event like meeting a guest or attending a dinner with guests. Paul used a cognate form of the verb in 2 Corinthians 11:14 to describe Satan when he is “disguised” (μετασχηματίζεται) as an angel of light. Conformity gives a sense of shape or form and carries the idea of surrendering and sacrificing to the superiority of a power or influence.

Paul’s use of the word indicated that he did not desire the servants of Christ to dress up like the world with its arrangement of thoughts, ideas, posture, form, and

⁴⁴ Judge, “St. Paul as a Radical Critic of Society,” *TynB* 16 (1973): 196.

⁴⁵ Cicero, *The Oratory* 1.17.

⁴⁶ Cicero, *The Oratory* 1.86.

⁴⁷ Tacitus, *Annals* 4.8.

⁴⁸ Aristotle, *Topics* 151b.8.

⁴⁹ Plutarch, *Morals* 2.83c. Plutarch uses the word in the context of training the body for virtue while explaining that if a man dreams and finds “no pleasure in anything disgraceful” then he has made progress in virtue. The particular use of συσχηματίζω relates to the rendering the body and “its members so obedient to its injunctions of indifference” so that the training of the body for virtue will take hold of the “emotional element in the soul” and “do away with the irregularities and vagaries of our fancies and incitements, and carry its repression of them” even into a person’s sleep and consciousness. Συσχηματίζω carries with it the idea of an image, shape, or form in the consciousness, in the case of Plutarch’s word usage, an image repressed.

⁵⁰ Lucian, *The Dance* 17.

schemes of ancient precedents linked to Roman social relations. Paul's use of the negative μή with the present passive imperative indicates in relation to *Aktionsart* "prohibition against its continuance,"⁵¹ while "μή predominates with imperatives, infinitives, and participles."⁵² Present imperatives are "less pressing, less rude, less ruthless than the aorist."⁵³ Paul anguished over conformity to culture in Romans 9–11, especially its class distinction and anti-Semitism and, in a sense, even struggled with conformity himself if Romans 7 is any indication. Here Paul discusses themes of the struggle between the flesh and the spirit, sin and deliverance, and evil and good. He hints of Romans 12:2 in Romans 7:7 when he speaks of the "newness of spirit." However, the reality of struggle does not keep Paul from introducing a new way to live, a surprising and radical way, for both Jews and Gentiles in the church in Rome: transformation (ἀλλὰ μεταμορφοῦσθε).

Conflict in the church in Rome finds a resolution when it turns away from conformity to culture and steps toward transformation because of new obligations arising from God's mercies. The word ἀλλά, a "coordinating conjunction," is a particle that functions as a strong adversative and the antithesis of what was previously written or verbalized.⁵⁴ Transformation is the antithesis to conformity to culture. Word usage in Philo gives evidence of a dramatic change: Gaius "arrayed himself with herald's staffs, sandals and mantles, a grotesque exhibition of order in disorder, consistency in confusion, reason in derangement" and then "when it pleased him he would strip them off and change (μετεμορφοῦτο) his figure and dress into Apollo's, his head encircled with garlands of sun-rays, wielding a bow and arrows in

⁵¹ J. H. Moulton, *Grammar of the Greek New Testament*, vol. 3 (Edinburgh: T & T Clark, 1963), 59, 75.

⁵² Dana and Mantey, *Manual Grammar*, 265.

⁵³ Moulton, *Grammar of the Greek New Testament*, 75.

⁵⁴ Moulton, *Grammar of the Greek New Testament*, 329.

his left hand and holding out Graces (χάριτας) in his right to signify...”⁵⁵ Philo describes a speech of Moses as he was “transfigured into a prophet” (μεταμορφούμενος).⁵⁶ This dramatic change took place at the Mount of Transfiguration in Matthew 17:2 (also Mark 9:2) when Jesus was transformed (μετεμορφώθη) in the presence of Peter, James, and John. Christians in 2 Corinthians 3:18, beholding the glory of the Lord, “are changed (μετεμορφούμεθα) into the same image from glory to glory.”

Scholars tend to contrast συσχηματίζεσθε and μεταμορφοῦσθε, the former referring to “to outward form only and so indicates something external and superficial, where as the latter refers to inward being and so indicates a profound transformation.”⁵⁷ Cranfield and Dunn refute this contrast saying that evidence suggests that it would be unwise to insist on such distinction”⁵⁸ and the two verbs are “more or less synonymous in *Koine* Greek.”⁵⁹ A logical question must be asked then, “If the words are synonymous, why did Paul not use the same word when discussing the prohibition of conformity and the imperative of transformation?” Some kind of distinction seems logical based on Paul’s goal of transformation as an action, responsibility, and obligation that the Christians in Rome need to continue to take, more than “outward conformity,” but “that of moral or inward transformation.”⁶⁰ Witherington adds, “Since it is the mind that is being transformed, Paul is talking about a change in worldview, a Copernican revolution in one’s thinking, not just an

⁵⁵ Philo, *Embassy to Gaius* 95. He mentions the “superior position on the right” and the “inferior” on the left.

⁵⁶ Philo, *Moses* 1.57.

⁵⁷ Cranfield, 2:605.

⁵⁸ Cranfield, 2:607; Dunn, 712. They both mention the synonymous use, yet their explanations seem convincing of the distinction and clear contrast between συσχηματίζεσθε and μεταμορφοῦσθε.

⁵⁹ Dunn, 712.

⁶⁰ Witherington, 286. Seneca, *Epistles* 6.1. He discusses the Stoic concept of inward, moral transformation: “I feel, my dear Lucilius, that I am being not only reformed, but transformed (*transfigurari*). I do not yet, however, assure myself, or indulge the hope, that there are no elements left in me which need to be changed.”

attitude adjustment.”⁶¹ “The transformation is not something which is brought about in an instant; it has to be continually repeated, or rather, it is a process which has to go on all the time the Christian is in this life.”⁶² The passive voice of μεταμορθοῦσθε, “of course, indicates, that the source and power of such a transformation is wholly and solely God’s”⁶³ through the liberating, equipping power of “the gift of the Holy Spirit.”⁶⁴ Fanning discusses, under the heading “commands and prohibitions,” Paul’s use of the command in the present tense and Paul’s “theological influence” as progressive steps of spiritual growth in the Christian life, in these words,

Pauline teaching is that when a person comes to be in Christ there is a definite break with the old life and the beginning of a new one. However, what is equally clear from Paul’s teaching is that this transformation is not immediately realized in the Christian’s actual experience. This change must be continually acted upon and transferred from the realm of the potential to the actual. The Christian must be progressively putting to death the deeds of the old life (Rom 8:13), must be more and more transformed (Rom 12:2; 2 Cor 3:18) and renewed (Eph 4:23), and must be always working out in practice the deliverance which Christ has given. ...It is because of this factual basis of the Christian’s new life in Christ that Paul is influenced to call upon Christians to make a *practical* break with the past and to begin to live *in practice* as new people.⁶⁵

In Christ, Christians “have entered the new age; already they have received the first-fruits of the Spirit (8:23), and are under obligation not to the flesh but to the Spirit (8:12).”⁶⁶

Two essential aspects of this transformation communicate two actions necessary for genuine transformation to take place: the renewal of the mind and to present the body as a living sacrifice. First, the transformation is communicated adverbially, in the renewing of the mind (τῇ ἀνακαινώσει τοῦ νοός). Paul speaks of

⁶¹ Witherington, 286.

⁶² Cranfield, 2:607.

⁶³ Dunn, 713.

⁶⁴ Stuhlmacher, 189.

⁶⁵ Buist M. Fanning, *Verbal Aspect in New Testament Greek* (Oxford: Clarendon Press, 1990), 360-61; Epictetus, *Encheiridion* 29; Epictetus, *Discourses*, 3.98. He discusses “subsequent steps” and “commands and prohibitions.”

⁶⁶ Barrett, rev.ed., 214.

a “radical renewal of human nature because the old age is disappearing and the new age is at hand.”⁶⁷ Second, Paul exhorts readers to present their bodies as a living sacrifice to God (Rom 12:1). Oakes says that meetings of associations often required cultic sacrifices to a patron deity at communal meals.⁶⁸ The point in the two aspects of Paul’s word will encourage readers to change their thinking “from cultic ritual to everyday life. From a previous epoch characterized by daily offering animals of animals to one characterized by a whole-person commitment lived out in daily existence.”⁶⁹

“The renewing of the mind is the means by which this transformation takes place.”⁷⁰ “Renewal (ἀνακαίνωσις) occurs only in Christian literature,”⁷¹ but “there is little doubt that the proper significance of καίνος is kept in ἀνακαίνωσις here.”⁷² “The metamorphosis is not external but inward, involving a renewal of the *nous* the aspect of the human being which is considered the seat of intellectual and moral judgment.”⁷³ Moo describes renewal as the “re-programming of the mind,” a transformation that “does not take place overnight but is a lifelong process by which our way of thinking is to resemble more and more the way God wants us to think.”⁷⁴ Paul’s concern is that if the Jews and Gentiles in the church are conformed to this age, it will result in an “unfit mind.”⁷⁵ Transformation means the “mind is not necessarily good, and must be renewed,” and that renewing the mind means “to recognize and share the act of redemption accomplished in the death and resurrection of Jesus.”⁷⁶

⁶⁷ Barrett, rev.ed., 214.

⁶⁸ Oakes, *Reading Romans in Pompeii*, 98-99. He discusses associations such as craftworkers and the hierarchy within the household where they met and the gathering itself.

⁶⁹ Dunn, 710.

⁷⁰ Moo, 756.

⁷¹ Dunn, 713.

⁷² Cranfield, 2:609.

⁷³ Fitzmyer, 641.

⁷⁴ Moo, 757.

⁷⁵ Barrett, rev. ed., 214.

⁷⁶ Barrett, rev. ed., 214.

Renewal, in this sense, has a cleansing effect and an effect of preparation for service, conduct, and living life in the realm of the righteousness by faith (Rom 3:22) and in the knowledge of God (Rom 1:28).

The mind is renewed with a newly defined purpose (εἰς τὸ δοκιμάζειν) and with new parameters: the will of God (Rom 12:2). Barrett says, “In this world, renewal is most clearly shown in moral life.”⁷⁷ Paul views the moral life as connected to God’s will. “The verb δοκιμάζειν can mean either ‘prove,’ ‘test,’ or ‘approve (as a result of testing),’ while emphasizing the renewed mind as essential to be able to recognize and embrace the will of God (it is thus warning against the illusion that conscience, as such and apart from its renewal by the Spirit and instruction by the discipline of the gospel, is a thoroughly reliable guide to moral conduct).”⁷⁸ He lists three adjectives to describe God’s will in the process of transformation: good (τὸ ἀγαθόν), acceptable (εὐάρεστον), and perfect (καὶ τέλειον). “‘The good’ continued to be a guiding concept of popular Greek philosophy, which instructed its adherents in a way of life characterized by righteousness and the fear of God.”⁷⁹ He uses εὐάρεστον to underline “the fact that the goodness which is in question here is no anthropocentric goodness but a goodness determined by the revelation of God’s will, a matter of obedience to his commandments.”⁸⁰ The word εὐάρεστον is also seen as “a technical term of ethics,” meaning “satisfactory.”⁸¹ Perfect (τέλειον) is a word belonging “to the ethical vocabulary of the Old Testament, and also that of the Stoics,” while being “defined by them as the man whose character is complete on all sides, possessing all the separate virtues as elements of a fully developed

⁷⁷ Barrett, rev. ed., 214.

⁷⁸ Cranfield, 2:609.

⁷⁹ Stuhlmacher, 189.

⁸⁰ Cranfield, 2:611.

⁸¹ Dodd, 192.

personality.”⁸² It carries within it the idea of maturity, responsibility, and the ability to “sustain” necessary obligations (“of the cares of the kingdom”) in spite of pressures, chaos, and turmoil.⁸³

Paul also aims toward surrender, submission, and a fulfilling of obligations in regard to God’s will. Epictetus uses the language of obligation in discussing the gods, the will, and the good and excellent man, saying,

The good and excellent man must, therefore, inquire into all these things, before he subordinates his own will to him who administers the universe, precisely as good citizens submit to the law of the state. And he that is being instructed ought (ὀφείλει) to come to his instruction with this aim, ‘How may I follow the gods in everything, and how may I be acceptable (εὐαρεστοίην) to the divine administration, and how may I become free?’⁸⁴

The renewed mind, transformed by Christ and not conformity to the world, requires “radical nonconformity” which corresponds to God’s will as Christians to “oppose the trend of this world and do what seems irrational, as God himself did in sending his son to the cross.”⁸⁵ Reason is given to a person so that, in accordance with God’s will, the good and acceptable and perfect will of God, a person “may perceive the demands of ethics and assess how obligatory they are.”⁸⁶ A transformed mind reasonably follows God’s commands and spiritually completes obligations in order to please God.

A key element in God’s will is the transformation that leads the followers of Christ to present their bodies as a living sacrifice to God (παραστῆσαι τὰ σώματα θουσίαν ἁγίαν εὐάρεστον τῷ Θεῷ). In Judaism “to present” incurred the idea of presenting bulls and rams for a sacrifice.⁸⁷ Epictetus discusses a man’s testimony, the

⁸² Dodd, 192.

⁸³ Josephus, *Jewish Antiquities* 19.362.

⁸⁴ Epictetus, *Discourses* 1.12.7-9.

⁸⁵ Käsemann, 331.

⁸⁶ Käsemann, 330.

⁸⁷ Josephus, *Jewish Antiquities* 4.113.

state of his body, and his “proof” in the context of the good and excellent man.⁸⁸

More commonly, “to present” indicates a technical term, a cultic, spiritual rite, signified in the extra-biblical Greek use of offering as a sacrifice to gods or God, while here alone in the New Testament is it used to present a sacrifice to God.⁸⁹

Paul’s exhortation to the Romans “in the language of sacrificial ritual” to present their bodies a living sacrifice contrasted with the cultic rites of sacrifice of dead animals.⁹⁰ Calvin sees Romans 12:1 as the beginning of a “well-ordered arrangement” (*optimo ordine*), a consecration “to cease to live for ourselves, in order that we may devote all the actions of our life to his service” mainly because “we are no longer in our own power, but have passed entirely into the power of God.”⁹¹ Käsemann sees “present” as “originally cultic” but here “transposed into eschatological,” and in contrast “to the bloody sacrifice of animals this is a living sacrifice and it is manifest in daily life.”⁹² Dunn addresses the concept “as an important part of group identity: in the ancient world, too, cultic and sacrificial ritual regularly served to express national identity and loyalty and participation in a group’s distinctive cultic rituals marked the participant as belonging to the group.” Moo adds that the sacrificial language is used metaphorically and spiritually: metaphorically, noting that the “use of cultic language has an important salvation-historical and polemical function, claiming for Christianity the fulfilment of those institutions central to the OT and Judaism;” and, spiritually, the term “present” makes it an “inevitable vehicle for early Christians to express their own religious convictions”

⁸⁸ Epictetus, *Discourses* 3.22.87.

⁸⁹ Dodd, 191; Cranfield, 2:598; Josephus, *Jewish War* 2.89.

⁹⁰ Witherington, 284.

⁹¹ John Calvin, *Calvin’s Commentaries: The Epistle of Paul the Apostle to the Romans and to the Thessalonians* (trans. by Ross Mackenzie; vol. 8; Grand Rapids: Eerdmans, 1948), 263-64.

⁹² Käsemann, 327.

with spiritual sacrifices.⁹³ The body presented involves the “whole human person, including its mean of expressing itself in common life.”⁹⁴ Notwithstanding, “to present” as Paul uses it here indicates two things: a commitment and a vital step to practicing Christian ethics and Christlikeness in daily life, a presentation of the entire body, the whole life, to God as a “dedication to the service of God in the harsh and often ambiguous life of the world.”⁹⁵

The sacrifice is modified descriptively by three adjectives: living, holy, and acceptable (to God). The sacrifice is living and alive “since it is the offering of the one who walks in ‘newness of life’ in union with Christ.”⁹⁶ The sacrifice is holy, that is, set apart to God, a holiness that is connected with the mind, wisdom, sacrifice, purity, the opposite of vulgar, and “has a great deal to do with behaviour in everyday life.”⁹⁷

The Greek word used in Romans 12:1, λογικὴν, reasonable, or “logical,” is also used in Epictetus in connection with a sense of “oughtness.” Epictetus uses the Greek word δεῖ or its cognate verb form four times (“ought” in the sense of a moral necessity), a word similar to ὀφείλω, in a long discourse about praise to God, saying, “Ought (εἰ δεῖ) we not, as we dig and plough and eat, sing the hymn of praise to God?”⁹⁸ He continues by using λογικός in the implication of an action or task natural to the person or animal or thing named, “Why, what else can I, a lame old man, do but sing the hymn of praise to God? If, indeed, I were a nightingale, I should be singing as a nightingale; if I were a swan, as a swan. But as it is I am a rational (λογικός) being, therefore I must (δεῖ) be singing hymns of praise to God. This is my task (τὸ

⁹³ Moo, 750.

⁹⁴ Barrett, rev.ed., 213.

⁹⁵ Moo, 751.

⁹⁶ Bryan, 195.

⁹⁷ Barrett, 213.

⁹⁸ Epictetus, *Discourses* 1.16.16-17, 15-21.

ἔργον): I do it, and will not desert this post (τάξις), as long as it is given to me to fill it: and I exhort (παρακαλῶ) you to join me in this same song.”⁹⁹

Philo uses the verb form λατρεύειν in the context of discussing piety to God and serving him as a benefactor in the language of obligation: “And this is just to love Him as a benefactor (εὐεργέτην), or failing this to fear Him at least as a ruler and lord, and to tread in every way that will lead thee to please Him, to serve him not halfheartedly but with thy whole soul filled with the determination to love Him and to cling to His commandments and honour justice.”¹⁰⁰ The Latin Vulgate translates, in Romans 12:1, λατρεύειν as *obsequium*, a term synonymous with Roman obligation.

In evaluating Paul’s words in Romans 12:1-2, conformity to culture viewed human affairs in “institutional terms,” while transformation involves “something much more drastic: the deliberate abandonment of status to open the way to a new spirit of human cooperation through mutual service.”¹⁰¹ E. A. Judge describes Paul as a “radical critic of society,” openly “engaged in what appears to be a radical conflict with the Jewish establishment” and confronting Graeco-Roman ideals of daily life and social relations by totally rejecting two “fundamental features of ethical thought” deeply imbedded in the psyche of Romans: “self-cultivation and the importance of status.”¹⁰² Paul, in Romans 12, drives toward “a head-on confrontation with the mechanisms” by which the Romans “imposed social power defined as moral superiority,” and diminishing the value of the inferior.¹⁰³ Paul’s “positive response to this collision was to build a remarkable new construction of social realities that both lay within the fabric of the old ranking system and yet transformed it by a revolution

⁹⁹ Epictetus, *Discourses*, 1.16.20-21.

¹⁰⁰ Philo, *Special Laws* 1.300.

¹⁰¹ Judge, “Cultural Conformity and Innovation,” *TynB* 35 (1984): 5-6.

¹⁰² Judge, “St. Paul as a Radical Critic of Society,” *Interchange* 16 (1974): 192-93.

¹⁰³ Judge, “Cultural Conformity and Innovation,” *TynB* 35 (1984): 23.

of social values.”¹⁰⁴ This revolution produces a new obligation which required a new foundation for social relations and values based on the mercies and gifts of God.

3. *Foundation of Obligation as Prefiguring Romans 15*

The mercies of God (οἰκτιρμῶν) in Romans 12:1 and the gifts (χαρίσματα) according to grace in Romans 12:6 form a foundation for obligation as Paul moves sequentially toward his *sine qua non* obligation of Romans 15. Roman law maintained two things: first, that Romans, essentially, were at the mercy of Rome’s emperor, government, means of taxation, and authorities who administered justice in a given jurisdiction according to law and custom; such law demanded certain duty and respect along with obligations to maintain Roman order; second, that the Roman emperor himself be given consideration as the grand benefactor and that benefits or gifts were bestowed on the citizens and people living in Rome by the emperor, Roman government, and key superior benefactors whose privilege and wealth supplied cities and citizens financial gifts for buildings and other vital elements to daily life.¹⁰⁵

Cicero describes these Roman legal dependencies and benefaction by noting that “kings (emperors) were made in order that men might enjoy justice.”¹⁰⁶ Note the connection between the law and the demarcation of justice between the higher (“strong”) and the lower (“weak”) classes as Cicero continues his discussion,

For, as the masses in their helplessness were oppressed by the strong, they appealed to some man who was conspicuous for his virtue; and, as he shielded the weaker classes from wrong, he managed by establishing equitable conditions to hold the higher and the lower classes in an equality of right. The reason for making constitutional laws was the same as that for making kings. For what people have always sought is equality of rights before the law. For rights not open to all alike would be no rights. If the people secured their end at the hands of one just and good man, they were satisfied with that; but when

¹⁰⁴ Judge, “Cultural Conformity and Innovation,” *TynB* 35 (1984): 23.

¹⁰⁵ Garnsey and Saller, *The Roman Empire*, 20-40, 83-103. They indicate these two distinctions in two separate chas. (2 and 5): Roman law and benefaction, respectively, “Government without bureaucracy,” and “Supplying the Roman Empire.”

¹⁰⁶ Cicero, *On Duties* 2.12.41.

such was not their good fortune, laws were invented, to speak to all men at all times in one and the same voice.¹⁰⁷

What Cicero, describes, in essence, is that both the strong and the weak are at the mercies of Roman law, justice and authority in the glory of Roman governance, while as a part of that glory kindness and generosity are be extended by “bestowing favours (benefits) upon many,”¹⁰⁸ especially “to the needy either by personal service, or by gifts of money.”¹⁰⁹

Paul continues the process in writing to the church in Romans 12:1-2 of adjusting their mindset from pure Roman custom and conduct to Christian conduct by discussing God’s benefits in his mercies of God and gifts according to grace (χάρις).¹¹⁰ “Mercies” here connects Paul’s earlier thought in Romans 9–11 which “are specially set under the sign of the mercy of God,” and, according to Cranfield, also “that the whole of 1:18–11:36 is concerned with the action of a merciful God.”¹¹¹ He adds, “The words οἰκτίρειν, ἔλεος, and ἐλεεῖν may indeed be absent from the first eight chapters; but such words as χρηστότης, μακροθυμία, ἀγάπη, and χάρις are used, and the reality of the mercy of God is never far from Paul’s thought.”¹¹² The οὖν of Romans 12:1 links Paul’s previous thought in relation to God’s mercy and the wisdom of that mercy in Romans 11:33-36.¹¹³

“Paul’s ground of appeal” is indicated in the words through the mercies of God (διὰ τῶν οἰκτιρμῶν τοῦ θεοῦ) and “the action of the merciful God.”¹¹⁴ The

¹⁰⁷ Cicero, *On Duties* 2.12.41-42.

¹⁰⁸ Cicero, *On Duties*, 2.12.53.

¹⁰⁹ Cicero, *On Duties* 2.12.41-51, 52.

¹¹⁰ Χάρις or, in Latin, *gratia*, is aligned with benefaction and Roman obligation. See Cicero, *On Duties* 2.63.

¹¹¹ Cranfield, 2:596.

¹¹² Cranfield, 2:596.

¹¹³ Dunn, 709.

¹¹⁴ Cranfield, 2:596.

plural nature of God's mercies is a "Hebraism directly derived from the LXX,"¹¹⁵ possessing a singular translational emphasis, not the various "manifestations of divine compassion but the divine compassion itself...toward humankind, revealed and effected in the person of Jesus Christ."¹¹⁶ The concept of compassion as an Old Testament term is "equivalent to χάρις" and "has in view the whole salvation history of God's self-revelation."¹¹⁷ Such God-revealed revelation as compassion in the realm of grace stands in stark contrast to the weak at the mercy of the strong and the weak-strong at the mercy of Roman government. God's self revelation is one of benefaction on a higher, more spiritual plane than that of Rome. While Paul never drifts far from God's mercy, neither does he, in his argument, forget obligation as a pivotal societal link between Rome and its inhabitants; yet, more importantly, obligation as a pivotal link of Christian community between God in his mercy, grace, and benevolence and the proper obedient reciprocal and ethical response of his followers to God and to each other. God's mercy inspires humility and right conduct toward God and others, thus Paul's exhortation includes proper ethical conduct because "if all theology is 'grace,' all ethics is a matter of 'gratitude,' the response of the grateful heart to God's merciful gift of salvation."¹¹⁸

Paul's appeal to the mercies of God urges his readers to develop a mindset based on God's mercies and "to contemplate on the depth and variety of God's merciful love."¹¹⁹ The "mercies," summed up as "God's mercy in action," underscore the connection between what Paul now asks his readers to do and what he has told them earlier in the letter that God has done for them."¹²⁰ Such ethical action in

¹¹⁵ Sanday and Headlam, 352; Käsemann, 326.

¹¹⁶ Bryan, 195.

¹¹⁷ Käsemann, 326.

¹¹⁸ Witherington, 284.

¹¹⁹ Schreiner, 643.

¹²⁰ Moo, 749.

response to God's benevolent grace cannot, however, inspire humble obedience to God and compassion to others on the basis of human strength alone. "But God's mercy manifested in his Spirit's work of inward renewal (see v. 2) does impel us toward the obedience that the gospel demands."¹²¹ The Holy Spirit supplies power to obedience as well as the gifts of grace that minister to the whole body of Christ.

"The gifts according to grace" form the second foundational aspect to the obligation prefiguring Romans 15. Paul uses the word χαρίσματα to indicate the "gifts." Χαρίσματα used in Romans 12:6 comes from the Greek root χάρισμα, used 17 times in the New Testament and six times in Romans, including in Romans 1:11 where it has a minor connection to Romans 1:14 when Paul speaks of his indebtedness or obligation. The χαρίσματα inherently possess a benevolent giver, God, who "is always distributing the charismata to a Christian congregation (see 1 Cor 12:11) in such a way as to maximize its potential for harmony and mutual ministry."¹²² The *charismata* impacts individual Christians through the Holy Spirit, provide a fresh, "new response to God's mercy," thus "renewing individuals for service to others."¹²³ Koenig notes that "even the highest charismata become worthless displays of egotism unless they are guided by love into serving others."¹²⁴

While the χαρίσματα are delivered by the benevolent God through the Holy Spirit, they also find close association with two other key words: grace (χάρις) and good or beautiful (καλή). Philo, in discussing Noah, links the thoughts of (God's) grace with being well-pleasing (εὐαρεσθήσαι), righteousness, goodness, and "a free

¹²¹ Moo, 750; see G. Dehn, *Vom christlichen Leben. Auslegung des 12. und 13. Kapitels des Briefs an die Römer* (Neukirchen/Vluyn:Neukirchener, 1954), 12-14.

¹²² John Koenig, *Charismata: God's Gifts for God's People* (Philadelphia: Westminster, 1978), 101.

¹²³ Koenig, *Charismata*, 113-16.

¹²⁴ Koenig, *Charismata*, 117. See χάρις aligned with the χαρίσματα in four key New Testament passages on gifts to the churches: Romans 12:6-ff.; 1 Cor. 1:4-7; Ephesians 4:7-8; 1 Peter 4:10.

gift and act of kindness.”¹²⁵ “Grace,” in its purest form in relation to the “gifts” (χαρίσματα), is bound to the concept of a benefactor (εὐργέτης) and its accompanying words like benefaction, gift, grace, gratitude, and generosity.¹²⁶ Spiritually, grace is “the focus of the Spirit’s evidence,” that is, Christ’s grace in weakness makes a person strong while also keeping the graced person from “superiority” (ὕπερ-), from “boasting in spiritual accomplishment,” and properly equipped for service.¹²⁷

The χαρίσματα are also bound to the Greek concept of good (καλή). Good, or beautiful as it can be translated, is wrapped in the web of obligation though Roman virtue (ἀρετή) and the noble Roman concept of the “good and excellent man” (καλός καὶ ἀγαθός).¹²⁸ Paul uses καλή in Romans 12:17 in terms of virtue, “Provide things honest (good) in the sight of all men,” indicating a deep, yet high moral nature, referring to “a life that an honest Greek would recognize as right and good”¹²⁹ and “a quality of beauty (physical or moral) which would receive general approbation in people of sensibility.”¹³⁰ The word indicates a sense of nobility, a benefit of kindness (χάριτι) with a predisposition to help, fellowship, and “good action” (καλῇ πράξει).¹³¹ The word implies a moral quality that inspires proper conduct even as Jesus used it regarding his own shepherding nature (John 10:11), good works (John 10:32), people with a good heart who follow God’s word (Lu 8:15), and of the spiritual fruitfulness a good tree (person) produces (Lu 6:43). The “gifts” possess

¹²⁵ Philo, *Allegorical Interpretation* 3.77-78.

¹²⁶ Herodotus, *The Persian Wars* 3.140.

¹²⁷ Frederick Dale Bruner, *A Theology of the Holy Spirit: The Pentecostal Experience and the New Testament Witness* (Grand Rapids: Eerdmans, 1970), 271, 311-14. Bruner discusses grace in the context of Paul’s glory, his thorn in the flesh, his weakness, and the Holy Spirit’s power for Christian service.

¹²⁸ Epictetus, *Discourses* 1.12.7.

¹²⁹ Barret, rev. ed., 223.

¹³⁰ Dunn, 748.

¹³¹ Philo, *Allegorical Interpretation* 3.156; Philo, *On the Virtues* 118-19.

“good” (Rom 14:21), a moral quality of Christian conduct easily recognized as conduct both beneficial and harmonious to the body of Christ.

Paul outlines the “gifts according to grace” in Romans 12:6-21, gifts that supply “basic principles for life in the church”¹³² and “humility and mutual service” in the context of “love and its manifestations.”¹³³ The gifts are an “actualization, a practical expression, of grace” and “are not given for the self-congratulation of those who receive them, but for the employment in the building up of the body.”¹³⁴ The gifts provide a double benefit: (i) to the individuals ministered to such as Acts 4:9 where a man is healed and (ii) to the church body as a whole such as Paul’s letter to Timothy where he indicates the “brothers,” the church, are “partakers of the benefit.”¹³⁵ Six gifts are mentioned in Romans 12:6-8: prophesy (προφητεῖαν), ministry (διακονίαν), teaching (διδάσκων), exhortation (παρακαλῶν), giving (μεταδιδούς), ruling (προϊστάμενος), and mercy (ἐλεῶν).¹³⁶ The gifts are grouped in two triads, the first three gifts set apart by εἴτε, the sense of which approaches the same use as that of καὶ.¹³⁷ The prophets, “in Gentile Christianity and in the framework of the local churches seem to have been viewed essentially after the Greek model as those who declare the will of God for the present,” more than an Old Testament model of voices to interpret the future.¹³⁸ The prophets speak according to the “measure of faith,” ἀναλογίαν referencing a “measure” or “standard of faith,” “in agreement with faith,” an “analogy” of faith “to promises and agreements and

¹³² Bryan, 196.

¹³³ Moo, 758, 769.

¹³⁴ Barrett, rev. ed., 218.

¹³⁵ In both examples Paul uses the word εὐεργεσία, a term connected with benefaction and reciprocal obligation. See Winter, *Seek the Welfare*, 35, 19-51.

¹³⁶ Sandlay and Headlam, 358-60. They point out the difference between the gifts of 1 Cor. 12 and Romans 12:3-8 on the grounds that at Corinth Paul had actual problems in mind and at Rome Paul wrote with the Corinthian problem still on his mind.

¹³⁷ F. Blass and A. Debrunner, *A Greek Grammar of the New Testament and Other Early Christian Literature* (trans. Robert W. Funk; Chicago: University of Chicago Press, 1961), 237.

¹³⁸ Käsemann, 340.

according to belief in Jesus.”¹³⁹ The word here foreshadows Paul’s argument regarding an obligation in Romans 14:1 where he speaks of the “weak in the faith,” but the measure of faith, along with grace, also forms an invisible thread on the rope of obligation as a key to conflict resolution in the church. The weak and the strong respond to the ἀναλογίαν of their faith by their “dependence on God,”¹⁴⁰ thus obligating themselves to Christian conduct befitting Christ who benefits the believers with gifts according to grace. Faith and grace supplied in the “gifts” according to grace influence an ethical response for both the strong and weak.

The next gift mentioned is “ministry,” a technical term referring to one who serves at the table or serves a specific item such as a drink to a king.¹⁴¹ The word indicates, generally, “the spiritual capacity for practical service” fulfilled by tasks of ministry “wholeheartedly”¹⁴² and, specifically, “service to the needy” in their suffering and needs.¹⁴³ Dunn notes that all gifts are “acts of service,” while adding that the next gift, “teaching,” included more than the simple transferring of tradition from the Old Testament and the ministry of Jesus, but primary emphasis was given to “teaching as the Spirit inspired (charismatic) functioning of the bodily organ” for the benefit of the Christian community.¹⁴⁴ The gifts of teaching as well as the other gifts, provide focus on the “functions themselves rather than on the status of those who exercise them.”¹⁴⁵ The discussion of the gifts seeks to eliminate social status and level the strong and the weak because of faith, grace, and the humility through faith to God the benefactor.

¹³⁹ Cicero, *On Duties* 1.23. He says, “The foundation of justice...is good faith (*fides*), that is, truth and fidelity to promises and agreements.” Faith involves obligation that produces actions of *fides*. Epictetus, *Discourses* 2.11.22-5, speaks of “standards” by which virtue is “judged and weighed,” examined and tested for the “good and excellent man.” Faith is that measure or standard.

¹⁴⁰ Dunn, 728.

¹⁴¹ Josephus, *Jewish Antiquities* 2.65; 11.163.

¹⁴² Cranfield, 2:623.

¹⁴³ Barrett, rev. ed. 219.

¹⁴⁴ Dunn, 729.

¹⁴⁵ Dunn, 729; Meeks, *Urban Christians*, 134-35.

Exhortation follows as another gift (ὁ παρακαλῶν ἐν παρακῇσει), that is, a “grace-endowed”¹⁴⁶ function that involves communication or preaching that instructs and comforts in relation to Christian ethics, calling, obedience, and in regard to that which is “suitable for church order.”¹⁴⁷ The purpose of exhortation edifies the congregation and brings glory to God, while “the eyes of the exhorter had to be firmly fixed not only on the gospel but also on the concrete situation of the hearers.”¹⁴⁸ The grace-gifts endowed designate grace functions that inspire, encourage and motivate a Christian ethic of obligation as the imperatives to follow in Romans 12:3-8 will show.

The next gift mentioned, giving (Rom 12:8), by definition indicates the concepts of sharing, distributing kindness to the poor, and the Jewish concept of imitating God by acts of kindness, sharing wealth with the needy, giving support to the weaker, and caring for the “less powerful.”¹⁴⁹ Josephus instructs the Jews that God gives an “abundance of good things not for our enjoyment alone, but that we may also share them generously with others.”¹⁵⁰ The gift is given in “simplicity,” with the keen idea of generosity from the heart and liberality, “a liberality that arises out of and expresses the simplicity and single-mindedness of the person of faith.”¹⁵¹ The word speaks of “large-hearted generosity” and “is used by St. Paul alone in the N.T., and was specially suited to describe the unselfish character of Christian almsgiving.”¹⁵² “The man who gives alms of his own substance is to do it in singleness of purpose and not with mixed motives, with the thought of ostentation or reward.”¹⁵³ The gift of giving, as well as the other gifts demonstrated, form threads to strengthen the binding

¹⁴⁶ Witherington, 290.

¹⁴⁷ Calvin, 270.

¹⁴⁸ Cranfield, 2:624.

¹⁴⁹ Philo, *Special Laws* 2.71, 107; 4.72-4.

¹⁵⁰ Josephus, *Antiquities* 4.237.

¹⁵¹ Dunn, 730. *Contra* Barrett “without hidden motive,” noting “The meaning is probably not ‘with liberality’ but ‘being without *arriere-pensee* in one’s gifts’” (p. 220, rev. ed.).

¹⁵² Sandlay and Headlam, 357.

¹⁵³ Sandlay and Headlam, 357.

rope of obligation, to enhance the Christological centre of the message of the gospel and to stimulate the “ordered unity”¹⁵⁴ of the church and the body of Christ.

The next gift that follows, “ruling,” indicates a function of Christian leadership. More than likely, “it does not describe any office with precision; it rather refers to a function which may have been exercised by several persons, perhaps jointly or in turn.”¹⁵⁵ The gift of ruling or leadership here contributes to the whole church body, supplying accountability between the strong and weak in the congregation with a sense of protection, a person “who by virtue of his social status was in a position to be, on behalf of the church, a friend and protector for those members of the community who were not in a position to defend themselves (e.g. the widows, orphans, slaves, strangers).”¹⁵⁶ Josephus uses the word in the sense of protector of the disadvantaged, saying “that the high priest, being also ethnarch, shall be the protector of those Jews who are unjustly treated.”¹⁵⁷ Such rulers or leaders provided a sense of security and safety in the church as well as serving as the “judges of morals” (*morum censores*).¹⁵⁸ Dunn sees the sense of protection as the “thought of some member in the congregation who by virtue of his or her wealth or social status within the local community (city) was able to act as a champion of the rights of the little congregation or its socially vulnerable members, as probably Phoebe” (Rom 16:2).¹⁵⁹ The gift of ruling requires zeal, eagerness, earnestness and vitality adding to its obvious quality of support, help, protection and even obligation with its similarity to the idea of patronage.¹⁶⁰ Stuhlmacher adds, “The one who is entrusted with the care

¹⁵⁴ Sandlay and Headlam, 357.

¹⁵⁵ Barrett, rev. ed., 220.

¹⁵⁶ Cranfield, 2:626.

¹⁵⁷ Josephus, *Antiquities* 14.196.

¹⁵⁸ Calvin, 270.

¹⁵⁹ Dunn, 731.

¹⁶⁰ Cranfield, 2:626. He says, “The cognate noun προστάτης was used of the patron of resident aliens in Athens, and also translated in Latin *patronus*; the feminine form of προστάτις is used in 16.2 of

of those members of the church who are suffering need should do this in a friendly manner and not with an air of repulsion of superiority.”¹⁶¹

Mercy (ὁ ἐλεῶν) is the next gift. It refers “to the person whose special function is, on behalf of the congregation, to tend the sick, relieve the poor, or care for the aged or disabled.”¹⁶² Mercy flows as one theme in Romans 12, as acts of pity or kindness done in the context of “the divine compassion toward humankind, revealed and effected in the person of Jesus Christ.”¹⁶³ Dunn views the specific act of mercy here as a financial gift, “the ministry of ‘poor relief’ functions as an organ of the body when it is done with gladness” according to God’s grace.¹⁶⁴ The act of mercy is performed with “cheerfulness,” openly and with spontaneity as an “inward ἰλαρότης” affirms God’s grace, responds with gratitude in an act of mercy because of a deep understanding of both Christ’s mercy and the personal need for mercy, all born out of “the secret that in those needy and suffering people whom he is called to tend the Lord is Himself present (Matt 25:31-ff.).”¹⁶⁵ The cheerfulness “springs from a warm heart, and a pure conscience and a serene mind set on something above this world.”¹⁶⁶ If taken in the context of the sacrifice of Romans 12:1, “present...by the mercies,” the act of mercy possesses a foundation of ethical conduct and unity that follows after the “community of fellowship.”¹⁶⁷

Each gift in the χαρίσματα influences κοινωνία and produces χάρις, thus works in symphony to transform hearts, to renew social relations, and to establish a

Phoebe... (2 Clement 61:3; 64:1; Calvin, 270)”. See also Clarke, “Jew and Greek, Slave and Free, Male and Female: Paul’s Theology of Ethnic, Social, and Gender Inclusiveness in Romans 16,” in Oakes, *Rome in the Bible*, 103-25.

¹⁶¹ Stuhlmacher, 193.

¹⁶² Cranfield, 2:627; Calvin, 270.

¹⁶³ Bryan, 195.

¹⁶⁴ Dunn, 732. He concludes that “cheerfulness” is a link to Jewish almsgiving and piety.

¹⁶⁵ Cranfield, 2:627.

¹⁶⁶ Sandlay and Headlam, 358.

¹⁶⁷ Barth, 449.

“new corporate identity”¹⁶⁸ based on the sacrificial spirit of God’s mercies. The discussion of Romans 12 and the gifts that benefit the good of the community, encourage unity, and while, “far from random ethical notes,” constitute a “unitive rhetoric, meant to help the community establish *koinonia* and to help them survive in a difficult environment.”¹⁶⁹ The church “can flourish only when every individual member and group within the church remains mindful of the good of all, and thus sets aside individual interests for the sake of the common life and witness.”¹⁷⁰ The foundations of obligation, God’s mercies and the gifts at work in individuals, inspire community that gives birth to unity in the church. These foundations contrast with Roman gifts and abilities which were for selfish, personal endorsement and not for others.

4. *New Obligations and the Greek Imperative*

Romans 12:9–13:14 displays a long list of imperatives in which Paul challenges the church to fulfil the specific commands as he displays obligations in the context of God’s mercies, spiritual gifts, and transformation by the renewing of the mind. The imperative evokes the mood of command, entreaty, and volition and “is the mood of assertion of one’s will over another or the call of one to exert his will.”¹⁷¹ In fact, it is “the genius of the imperative to express the appeal of will to will.”¹⁷² Robertson’s *Grammar* notes that Moulton finds the imperatives “normal in royal edicts, in letters to inferiors, and among equals when the tone is urgent, or the writer indisposed to multiply words.”¹⁷³ The imperative, therefore, by its nature, can carry with it the sense of an obligation. In Roman law “the essential element of an obligation...was the fact

¹⁶⁸ Dunn, 733.

¹⁶⁹ Witherington, 291; Barth, 449; Sandlay and Headlam, 358-60.

¹⁷⁰ Stuhlmacher, 193.

¹⁷¹ Robertson, *A Grammar*, 946.

¹⁷² Dana and Mantey, *A Manual Grammar*, 174.

¹⁷³ A. T. Robertson, *A Grammar*, 947; J. H. Moulton, *A Grammar of the New Testament Greek*, vol. 1, *Prolegomena* (3rd ed.; Edinburgh: T & T Clark, 1906), 173.

that the debtor was directly bound to make performance.”¹⁷⁴ In the context of the body of Christ, the imperative carries with it an obligation or debt that binds each person in the church to make performance of ethical commands for the supreme good or benefit of the entire body (Rom 15:2).

Cicero classifies obligation as a sense of duty in the two parts: (1) “the doctrine of the supreme good” and (2) “the practical rules by which daily life in all its bearings may be regulated.”¹⁷⁵ Cicero views the latter obligations as “special duties for which positive rules are laid down, though they are affected by the doctrine of the supreme good...because they seem rather to look to the regulation of everyday life.”¹⁷⁶ Cicero continues,

And yet there is still another classification of duties: we distinguish between “mean” duty, so-called and “absolute” duty. Absolute duty we may, I presume, call “right,” for the Greeks call it κατόρθωμα, while the ordinary duty they call καθήκον. And the meaning of these terms they fix thus: whatever is right they define as “absolute” duty, “mean” duty, they say, is duty for the performance of which an adequate reason may be rendered.¹⁷⁷

Paul’s “absolute” duty here is for each person to present his or her body as a living sacrifice, the “mean” duties are set forth in Romans 12:7–13:14 as Christian regulations and duties to be performed for everyday life. Paul never moves far from the thought of the “supreme good” in relation to the kingdom of God and God’s household, the church, while also not failing to give instruction for Christian duties in the form of imperatives.¹⁷⁸

¹⁷⁴ Zimmermann, *Law of Obligations*, 6.

¹⁷⁵ Cicero, *On Duties* 1.7.

¹⁷⁶ Cicero, *On Duties* 1.7.

¹⁷⁷ Cicero, *On Duties* 1.8. The form of word stem of κατόρθωμα, διόρθωμα, is used in Acts 24:2 in a legal sense of “right action” or “worthy deeds,” even reform in the nation. A verb cognate of the word καθήκον is used in Rom 1:28 of those not conducting themselves in accordance with what is proper, fitting, or dutiful, if the legal, contractual sense of one’s duty is considered.

¹⁷⁸ In the case of Ephesians 5-6 a strong argument could be made for the obligation to “imitate God” and “walk in love” (5:1-2) as the “absolute” duty; and Paul’s reform version of “mean” duties outlining the specific obligations of a new Christian household code (5:2-6:9). Cicero alludes to the household code and “mean” duties in *On Duties* (1.53-55).

The imperatives, while not in a formal code, possess the flavour of a new code of obligations that create an environment where the kingdom of God becomes more than meat and drink, but for righteousness, peace, and joy in the Holy Spirit (Rom 14:17). The imperative of command, as found in Romans 12-13, by nature “makes a direct, positive appeal to another.”¹⁷⁹ Imperatives also “express a request or concession,”¹⁸⁰ while serving as vehicle to encourage concord, peace, and unity in the larger society, community, or in this case, the church. Obligations are to be fulfilled in the spirit of mutual obligations, social ties, and unity with an understanding of what “ought (*debet*) to be the chief end of all men, to make the interest of each individual and of the whole body politic identical.”¹⁸¹ A failure to fulfil obligations in the spirit of mutuality and the bonds of fellowship, “uproots the fellowship,” severs the cords of the bonds of fellowship, and “demolishes the whole structure of civil society,” the society of Romans 12-13 being the church.¹⁸² The core threads of the new obligations and the Greek imperative of Romans 12-13 are to maintain “common bonds” through the virtuous fulfilment of obligations and to “bring a certain amount of propriety and order into the transactions of daily life” in the church.¹⁸³

The flavour of Romans 12:7-13:14 includes obligations to love, to kindness, to honour, to bless, to be of one mind, to not repay evil for evil, to overcome evil with good, to submit to civil authorities, to not allow a debt to remain outstanding, to put aside deeds of darkness, and to put on the armour of light and clothe yourself with Jesus Christ. Guerra sees Paul’s words in Romans 12-13 as a part of what he calls the “Roman factor,” an abiding a sensitivity to “the assumed Roman consciousness of Christians in the capital city but also concerned to protect the Christian community

¹⁷⁹ Dana and Mantey, *A Manual Greek Grammar*, 175.

¹⁸⁰ F. Blass and A. Debrunner, *A Greek Grammar*, 195.

¹⁸¹ Cicero, *On Duties* 3.26.

¹⁸² Cicero, *On Duties* 3.28.

¹⁸³ Cicero, *On Duties* 1.17-20.

against civil disciplinary action as was experienced in the past.”¹⁸⁴ Paul’s goal is provide social virtues and daily obligations connected to Paul’s eschatological convictions in line with Roman consciousness, but also superior to them.¹⁸⁵ Guerra adds, “Paul does not appeal to eschatology in order to trivialize the present but rather to undergird his insistence that good social conduct and the love of others should characterize the Christian lifestyle.”¹⁸⁶ The “Roman factor” of Romans 12-13 takes into account the Claudian-Neronian ages with respect to imperial and civil honour, displays the new obligations necessary to create unity between the strong and the weak in the congregation, and reframes the imperitival force of obligation conducive to mind transformed and renewed by Christ.¹⁸⁷

5. Conclusions

Paul’s primary emphases in Romans 12-13 are transformation and renewal of the mind. Graeco-Roman society imposed a culture of conformity and coercion that tended to display arrogance, superiority, and a binding force of the weak that were obligated to the strong to maintain order and social control. Paul introduces a new obligation with a new and expanded code of obligations that have their foundation in the mercies of God and the gifts of grace.

Paul uses the imperitival force of obligation to create the framework for unity and peace in the body of Christ. Paul adapts the language of obligation as a means to reframe the mind of the strong and the weak in the spirit of Christian fellowship.

Paul’s Roman consciousness, as well that of his readers, allows contrasting images of Roman versus Christian: Roman obligation(s) versus the new Christian obligation(s);

¹⁸⁴ Guerra, *Romans and the Apologetic Tradition*, 157.

¹⁸⁵ Guerra, *Romans and the Apologetic Tradition*, 157-66.

¹⁸⁶ Guerra, *Romans and the Apologetic Tradition*, 165.

¹⁸⁷ Neil Elliott, “Romans 13:1-7 in the Context of Imperial Propaganda,” in *Paul and Empire: Religion and Power in Roman Imperial Society* (ed. Richard A. Horsley; Harrisburg, Penn.: Trinity Press International, 1997), 184-204.

the debt of love versus the debt of revenge; the clothing of the purple striped toga of superiority versus the clothing of the humility of Christ. Paul's aim as he moves toward his final and highest obligation in Romans 15:1 is to create a transformed, renewed, sacrificial Christ-consciousness based upon God's mercies and grace-gifts that leads to the display of virtue of the highest order in daily relational transaction and conduct that pleases Christ and encourages concord and peace.

The next chapter will explore Paul "compelling obligation" under the new obligation and its imperative of force as a critical tool for the climax of his discussion on resolving conflict between the strong and the weak.

Chapter 8: The Compelling Obligation: *Imitatio Christi*

Introduction

The last chapter demonstrated the transformative nature of Paul's new obligation founded on God's mercies and gifts. The new obligation produced an informal code, a series of obligations that both demanded and encouraged righteousness, peace, and joy in Christians in the church in Rome. The new obligation was influenced by God's promise of including both Jews and Gentiles in his plan for salvation. Having shown the new obligation, Paul concludes his argument for harmony with a powerful and compelling obligation for conflict resolution in the church: *imitatio Christi*.¹ The purpose of this chapter is to discuss Paul's new and compelling obligation for the Roman church.

In order to demonstrate the compelling obligation of *imitatio Christi* this chapter will discuss: (1) Paul's theological judgment; (2) the compelling Christian obligation of *imitatio Christi* as both an ethical action and a radical ethic, that is, the inversion or reversal of obligation under Augustus and in Roman society; (3) the compelling obligation as action for the Roman church as a means of conflict resolution which proposes a radically new *ordo* and a new model to imitate; (4) the indispensable, countercultural power of the compelling obligation as the one obligation that overrides all other obligations; and (5) God's intention for unity through the *imitatio Christi*.

¹ Reasoner, *The Strong and the Weak*, 191-94. He focuses on two obligations: (1) for the strong not to offend the weak, and (2) for the strong to support the weak. Reasoner highlights a "convivial situation," expected social expectations where members of the Roman church would have to redefine their duties and benefits under their higher obligation to Christ (pp. 192-93). While social expectations are a reality in Rome, this chapter here aims to provide depth into the social expectations and the force of obligation based on Roman law.

1. Paul's Theology

Rome's obligation society functioned, transacted daily business and relations, and resolved conflict on the basis of Roman obligation, its legal basis, its reciprocal exchange, its patronage, its friendship, and the order of social inferiors under obligation to their social superiors.² The relationship between social superiors and social inferiors worked on the basis of each person's understanding of his or her status, social graces, and especially Roman law's "function as a guarantor of stability."³

The relationship between superior "strong" and the inferior "weak" is the key to conflict resolution in the church (Rom 15:1). The strong and weak appeared in social life everywhere in Roman society: at dinner parties, on the streets, in political meetings, in the marketplace, strategically seated in theatres, and even in the church.⁴

The weak were "habitually subject to oppression" and were under obligation to the strong on the basis of their privilege, status, and advantaged position because of "their greater property, power and prestige."⁵ Witherington addresses status and privilege as "the Roman *persona*," writing, "The Roman *persona*, which included elements of assumed superiority in culture, race, and matters religious, is what Paul must deal with if he is to build bridges between Jewish and Gentile Christians."⁶ The attitudes of persons and the dynamics of obligations changed in different social settings with varying circumstances and "was of very great concern" to the strong, the

² Saller, *Personal Patronage*, 119-143.

³ Crook, *Law and Life*, 7.

⁴ Petronius, *Satyricon* 30-4.

⁵ Garnsey, *Social Status and Legal Privilege*, 280, 222, 221-233.

⁶ Witherington, 333. See also Garnsey, *Social Status and Legal Privilege*, 98, 200-3, 209-10. Zulueta, *The Institutes of Gaius: Part 2 Commentary*, 23, 84 for further discussion of *persona*. Zulueta says that the law of persons is the law of status influencing obligations (p. 23).

weak, citizens and inhabitants of the empire, as well as Christians relating socially in the church in Rome.⁷

At the outset of Romans 15:1 Paul makes a theological judgment in which he sides with the strong, “who are obviously the majority in the community.”⁸ His hearers clearly understood that language was not only of the strong and the weak, but also that of obligation in its purest form of duty for the “supreme good” and in the ethics of “moral goodness.”⁹ Paul sides with the theologically strong, not on the basis of Roman social convention and social attitudes with regard to *persona*, but on the basis of “theological beliefs.”¹⁰ “The first person plural in verses 1 and 2 demonstrate that Paul counts himself among the strong.”¹¹ It is significant to note that Paul, a Jew, sides with the strong, because the strong, “‘the capable, powerful ones,’ a description of the mainly Gentile Christians in the Roman church,” expressed their freedom in Christ by refusing to get caught up in legalism, especially Jewish legalism.¹²

In contrast, the weak, somewhat powerless, “without strength,” and “without resources, with no one to turn to,”¹³ were mainly Jews whose “weaknesses are their special practices, their abstinences from meat, wine, and the like, erroneous in themselves and troublesome to their fellow Christians.”¹⁴ The nature of faith for the strong requires them not to place themselves in a superior position over the weak, because “for the strong it would be and is sin to compel the brother who is still unsettled in the faith to follow his or her own example, or, indeed, to demonstrate his or her (Gentile Christian) freedom in order to expose the narrow-minded cowardliness

⁷ Judge, *The Social Pattern*, 72, 72-77.

⁸ Käsemann, 381.

⁹ Cicero, *On Duties* 1.4-7.

¹⁰ Judge, *Social Pattern*, 77; *Contra Jewett, Romans*, 876, who sees Paul identifying himself with the “strong” on socioeconomic terms.

¹¹ Schreiner, 746.

¹² Fitzmyer, 702.

¹³ MacMullen, *Roman Social Relations*, 11.

¹⁴ Barrett, rev.ed., 247.

of the weak (Jewish Christian).”¹⁵ Paul appeals to their faith as a matter of conscience “by curbing one’s own liberty of conscience for the sake of others.”¹⁶ Obligation in its etymological roots and social function seeks to bind together and to preserve *Pax Romana*, although here to deliver a peace that will “bind the two groups together” and “to promote harmony within diversity rather than to remove the diversity.”¹⁷ The “invisible rope” of obligation binds the strong and weak to unity of purpose and social function in the church. Such an obligation “will be a test of faith (in the sense of basic Christian faith); for what is required of them is utterly opposed to the tendency of our fallen human nature.”¹⁸ Paul knows if the “invisible rope” of obligation in Roman conformity has its way, the noose will be tightened and choke not only the Christian spirit, but destroy the infant church, even forcing some out of the church. If obligation through the transformation of Christ has its way, the result will draw people together by building up the Christian community.

Paul indicates two equal parts, each representing one side of a coin, for obligation to represent the transformational (Rom 12:1-2) sacrifice of Christ who “being found in fashion as a man, he humbled himself, and became obedient unto death, even death of the cross.”¹⁹ The first side of the coin, the present infinitive of βασιτάζω that follows the present imperative of ὀφείλω, indicates “to bear” or carry

¹⁵ Stuhlmacher, 229.

¹⁶ Judge. “The Teacher as Moral Exemplar in Paul and the Inscription in Ephesus,” in *Social Distinctives of the Christians in the First Century: Pivotal Essays* (ed. D. G. Peterson and J. W. Pryor; Peabody, Mass: Hendrickson, 2008), 185, 185-201. Cicero, *Letters to Atticus* 13.20. He says, “In all one’s life one ought not to stray a nail’s breadth from the straight path of conscience.”

¹⁷ Witherington, 332.

¹⁸ Cranfield, 2:730.

¹⁹ The discussion focuses on the centrality of the cross and the sense of its grace in debt (ὀφειλήματα) from Romans 4:4; the same sense of forgiveness in debt from Matthew 6:12 from Jesus’ sermon on the mount; the same sense of the obligation of “laying down” our lives for others because Christ died by “laying down” on the cross; and an implied sense of Christ’s own “bearing the weaknesses of the weak” in the of humility and submission (of obligation) from the Christological hymn of Philippians 2:5-11. See Judge, *The Social Pattern*, 72-77, for a discussion of “theological beliefs” and, while “the New Testament is a veritable case book of social precept and practice,” for a discussion of theology, Christology, Jesus as a historical turning point in Christian precept and practice with Christ’s resurrection power as an influence on Christian obligation.

the weaknesses of the weak even as Christ carries the cross, indicating the sacrificial spirit of denying self and carrying the burdens of others for their benefit.²⁰ The other side of the coin, “not to please ourselves” reflects Plato’s Greek thought of virtue and honour: “so do not forget that successful action depends on pleasing people, whereas arrogance is next neighbour to isolation.”²¹ Contrast this with the Roman obligation of Augustus, “afterwards my own army was led across the Danube and compelled the tribes of the Dacians to submit to the orders of the Roman people,”²² or Cicero’s Roman obligation where Romans must “become good calculators of duty, able by adding and subtracting to strike a balance correctly and find out just how much is due each individual.”²³ Note especially who are the strong, according to Epictetus’s words concerning friendship, “It is a general rule, be not deceived that every living thing is to nothing so devoted as to its own interest.”²⁴ Roman society was hedonistic, motivated by self preservation and self-interest, with obligations calculated and decided on the basis of status, power, wealth, social power; thus the “weak” of society were bound to please the “strong” and to expect them to dominate.²⁵ The strong expected to please themselves and be pleased by their weaker inferiors. Paul placed the obligation on everyone in the church to be self-sacrificing and humble. This humility “arises from a wilful subjection of oneself in favour of others, even the others who exploit the one.”²⁶ Paul’s words appear countercultural and revolutionary

²⁰ See the cognate uses of βαστάζω in John 19:17 of Jesus carrying the cross; in Luke 14:27 of “bearing” the cross in an act of self denial to follow Christ; in Galatians 6:2, 10 where “bearing” others burdens is done for the good unto all men, especially to the household of faith, a subtle reference to obligations in the Galatian church.

²¹ Plato, *Epistles* 321B.

²² Augustus, *Res Gestae* 5.30.

²³ Cicero, *On Duties* 2.59.

²⁴ Epictetus, *Discourses* 2.22.15.

²⁵ Epictetus, *Discourses* 2.22.15. Epictetus confirms the emotion and fierceness of self-interest, saying, “Whatever, then, appears to stand in the way of this (self) interest, be it brother, or father, or child, or loved one, or lover, the being hates, accuses, and curses it.”

²⁶ Judge, “Paul and Socrates,” *Interchange* 13 (1973): 115.

given that “what is meant here by not pleasing oneself is not pleasing oneself regardless of the effects which one’s pleasing oneself would have on others.”²⁷

Paul makes an appeal that few seem to have completely grasped in its cultural context to help resolve the tension between the strong and the weak. He introduces a new ethical foundation for conflict resolution with a well-established concept: obligation. This obligation was a revolutionized version requiring radical ethics that included the counter-nature concept of self-denial and a countercultural concept of self-surrender for the sake of God’s kingdom. Paul’s heart for the kingdom of God began in Romans 1:12 with “mutual faith” and an obligation or debt (ὀφειλέτης) in Romans 1:14-16 to Greeks, to Jews, to barbarians, to the wise and unwise, an obligation whose foundation is Jesus Christ in his mercy. According to Romans 14:17-18, Paul’s primary concern is the kingdom of God, not meat, drink and Sabbath days, but the pleasing (εὐάρεστος) of Christ in service to him that produces the righteousness and joy and peace of the Holy Spirit. Paul does not want meat or any other thing to destroy the work of God and he desires not only mutual faith, but a mutual edification, a building up of Christ’s household based on the compelling obligation of the strong bearing the weaknesses of the weak. Judge notes that “the idea of the household as a unit of society, which might be compared with republic or kingdom, was familiar.”²⁸ Paul’s use of “household” in Romans 14:19 and 15:2 indicated not only family obligations, but also a solidarity and unity of religion which was not uncommon in Roman households.²⁹ Paul’s use of οἰκοδομήν implied *domus*, a phrase more commonly used by Romans instead of *familia*, because it “covered a larger group than is usually associated with family today, encompassing husband,

²⁷ Cranfield, 2:731; Jewett, *Romans*, 877, calls this “the crossing of difficult ethnic and theological barriers.”

²⁸ Judge, *The Social Pattern*, 30.

²⁹ Judge, *The Social Pattern*, 35.

wife, children, slaves, and others living in the house with a deep sense of loyalty, obligations, reciprocal relations, and binding social ties giving “the impression that Romans felt a duty to help ‘kin.’”³⁰ The solidarity and unity of obligation of mutually helping one another encouraged “a secured peace,” social cohesion, and a goal of ethical action in accordance with the supreme good that assisted in conflict resolution.³¹ Paul’s obligation for the strong in Romans 15:2, according to Barth, “the sacrifice, the renunciation...the end of rivalry, the end of all particularity and superiority of behaviour,”³² included pleasing a neighbour for his good (ἀγαθόν) in the realm of God’s kingdom.

2. Reversal of Obligation Under Julio-Claudian Society in Rome

The “kingdom” was a principle and precept in the realm of obligation that never exited the minds of the Roman people in the empire with the deified Augustus and his *potestas*, acts, triumphs, honours, largesses, benefits, submissions, and obligations flowing powerfully into first-century Roman consciousness, daily activity, and social relations.³³ Paul is asking his readers to respect Augustan precept and practice but, as calculators of obligation, to weigh the highest obligation of responding in the church on the basis, not of *princeps*, but of a Christological ethic that produces Christian action and conduct.³⁴ One option for conflict resolution was for a permanent split between the strong and the weak like the Claudian edict of AD 49. Paul did not desire this so he required re-thinking obligation in the supreme good of Christ, by refusing to

³⁰ Garnsey and Saller, *The Roman Empire*, 128, 145-46, 126-147.

³¹ Cicero, *On Duties* 1.5-7; 1.35; Saller, *Personal Patronage*, 69-78.

³² Barth, 525.

³³ Augustus, *Res Gestae* 1-40.

³⁴ Reasoner, *The Strong and the Weak*, 192. He mentions “the obligation of the strong” and obligation as a solution to the controversy in the church, but focuses primarily on three things: (1) the vertical relationship with Christ that leads to service; (2) the strong’s obligation to support the weak calling for them to work out the “social values” in situations such as meals; and (3) the duties and benefits in the rendered in the believing community, including giving up some rights (p. 195). Reasoner does not address the important reversal of obligations set in the context of Romans 15:1-6 based upon the social and legal impact of Roman obligation.

manipulate obligation and its social networks, especially with inferiors,³⁵ and by responding with actions of “self limitation” as Christ did in order to “make the concessions necessary to maintain the spirit of the community...and for the good and benefit of the community as a whole.”³⁶ A Christ centred-ethic is a radical departure from the self-interest, self-serving and superior attitude of the strong in the “mutual interchange” of services in Roman society, an attitude where the tendency is to please the self and its appetites.³⁷

In Rome its citizens and inhabitants were asked to evaluate a situation appreciably and to act with motivation and obligation.³⁸ Cicero says, “Again, every action ought (*debet*) to be free from undue haste or carelessness; neither ought we to do anything for which we cannot assign a reasonable motive; for in these words we have practically a definition of duty.”³⁹ Paul asked his readers to curb their appetites, to set aside their obsession with hierarchical status and rank⁴⁰ for the sake of unity, to calculate obligation on the basis of Christ, and act in the spirit of the radical ethic of Christian obligation. This radical ethic required the “downward mobility” of Christ who humbled himself, not the “upward mobility” of the segmented social hierarchy of the Roman machine. It produced attitudes and conduct that bonded the church in unity and eliminated the “verticality” of status and the “arrogance and harshness” often associated with the legal distinctions of status.⁴¹

The radical ethic created a whole new approach to calculating obligation and the conduct of the church under the compelling obligation of the strong toward the

³⁵ Saller, *Personal Patronage*, 64-71.

³⁶ Dunn, 841-2; Judge, *Social Distinctives*, 187. He speaks of a sacrifice of “one’s own reasonable interest to a higher objective.”

³⁷ Cicero, *On Duties* 1.56; 1.101, says, “...that reason commands, appetite obeys.” Romans sought diligently to please their huge appetites.

³⁸ Cicero, *On Duties* 1.101.

³⁹ Cicero, *On Duties* 1.101.

⁴⁰ Garnsey and Saller, *The Roman Empire*, 199. “Roman society was obsessed with status and rank...” (199).

⁴¹ MacMullen, *Roman Social Relations*, 112.

weak. When it came to eating and drinking, Sabbath-days, buying and consuming meat bought at the marketplace, matters of significance to individual preference, but not matters of significance in regard to God's kingdom of righteousness and the church, Paul stresses "their common obligation to tolerate and bear the weaknesses and limitations of the weak."⁴² Witherington comments accordingly,

Origen (AD 185-254) offers a telling comment on this section of Paul's discourse: "Eating meat and drinking wine are matters of indifference in themselves. Even the wicked people may abstain from these things, and some idol worshipers, in fact, do so for reasons which are actually evil. Likewise quite a few heretics enjoin familiar practices. The only reason abstinence of this kind is good is that it may help to avoid offending a brother." This brings to light a fundamental principle of a truly Christian ethic - it is other regarding. A Christian does not demand his or her own rights and privileges, especially when the issue is not a matter of ethical principle but rather just personal preference.⁴³

The radical ethic required the rethinking of Augustan power in the Julio-Claudian tradition and domination in favour of conscientious Christian humility and toleration for higher spiritual, moral, and ecclesiastical purposes.

3. Obligation as a Means of Conflict Resolution

Paul's call for a radical ethic, one which reversed the obligation of Augustan influence and society, opened the door for a new order (*ordo*) for the church in its nexus of relationships. The Roman innovations to obligation after Augustus provided Roman society with order, concord, and stability; but the social order established was "stable and enduring" and impacted conflict resolution between the strong and the weak of society.⁴⁴ Garnsey and Saller note, "Under the Principate as a whole, the division and tensions deriving from the unequal distribution of wealth, rank and status were counterbalanced by forces of cohesion such as family and household, structured

⁴² Stuhlmacher, 230.

⁴³ Origen, *Commentarii in Epistulam ad Romanos* (ed. By T. Heither, 5 vols. Freiburg im Breisgau: Herder, 1990-95), 5.170; Gerald Bray, *Romans* (Downers Grove: InterVarsity, 1998), 350; Witherington, 345.

⁴⁴ Garnsey and Saller, *The Roman Empire*, 107.

vertical and horizontal relationships between individuals and households, and the ideological apparatus of the state.”⁴⁵ Romans 15:1-2 introduces a radical “order,” an obligation for the strong toward the weak rather than for the weak under obligation to the strong. Obligation by its nature was stratified and defined social order with such distinction that it was important for Romans to “not falter in the discharge of duty.”⁴⁶ Paul challenged the Christians in Rome to consider obligation by inverting the social orders and distinction, or at the least to level the orders on an even plane, so that strong and weak, weak and strong were equal in the church.

Paul outlined a new “order” with an imperative, “Let each of us please his neighbour for his own good.” As Paul observed Roman society, he did not ignore his basic obligations, but “he deliberately abandoned the security of an established social status,” although all indications are that he was “highly placed” on the social scale.⁴⁷ Paul’s expectation was that they would view status differently in light of Christ. Historically, this implied rebellion to Roman rule, became a threat to Roman solidarity in the legal aspects of obligation as glue for society, and created public suspicion given the official preoccupation with order defined by rank and status practised in relationships and associations and even the public display of order in wider society.⁴⁸ Judge lists the Roman concern for “centres of agitation” and examples of unrest, such as Paul at Ephesus who threatened public order in regard to the local economy with regard to the silversmiths and the Jewish associations that were suspect in Roman eyes.⁴⁹ Behind the unrest is the importance of social stratification, *ordo*, Roman law, and a sequential network of prioritized horizontal and vertical obligations. The strong were obligated to please for the common good. Paul

⁴⁵ Garnsey and Saller, *The Roman Empire*, 107.

⁴⁶ Cicero, *On Duties* 1.119.

⁴⁷ Judge, “St. Paul as a Radical Critic of Society,” *Interchange* 16 (1974): 191.

⁴⁸ Judge, *The Social Pattern*, 41. See also pp. 40-48.

⁴⁹ Judge, *The Social Pattern*, 41.

thereby challenged Roman law, ideology, and social practice, for *ordo* itself favoured the social position of the privileged, their legal rights, and ensuing obligations on a wide Roman scale, in local communities, and in the complexity of relationships.⁵⁰ The understood use of obligation and the force of the imperative combined to add strength to what Paul was actually asking the readers of the letter to the Romans to do.

One aspect of the reading of Paul's letter that is often overlooked is the public reading of his circulated letter in a meeting of the church. Judge comments on Paul as a "single-minded apostle of revolution" and on worship in the early church as "lively social intercourse:"

In that lively social intercourse there was neither solitude nor mystery, no shrine, no statue, no cult, no ceremony, no offering to ensure that all was well between gods and (human beings). Instead there was talk and argument, disturbing questions about belief and behaviour (two matters of little or no concern to religion in antiquity), conscious changes to accepted ways, and the expectation of a more drastic transformation soon to come. The purpose of classical religion was to secure what was already there against just such an upheaval [against *concordia*].⁵¹

Judge's comments indicate that a public outburst, "restless, argumentative, and single-minded,"⁵² in worship might have been expected when Paul inverted Augustan social order, asked his hearers to consider others before themselves, and introduced them to a new radical ethic, a binding obligation, in the power of Christ. What Paul obligated the strong to do and the weak to consider in the church was to focus on a new order and action for the sake of church unity, transforming obligation "by a revolution in social values."⁵³ "The vocabulary of privilege,"⁵⁴ as Garnsey refers to it, would have to be transformed and renewed in Christ, thus producing a new order, reconstructed *mores*, and would result in a radically new conduct and action. The strong who heard

⁵⁰ Alföldy, *Social History*, 106-10.

⁵¹ Judge, "Cultural Conformity and Innovation in Paul," *TynB* 35 (1984): 6.

⁵² Judge, "Cultural Conformity and Innovation in Paul," *TynB* 35 (1984): 6.

⁵³ Judge, "Cultural Conformity and Innovation in Paul," *TynB* 35 (1984): 23.

⁵⁴ Garnsey, *Social Status and Legal Privilege*, 221.

Paul's obligation might have verbally shouted, "Paul is a fool! A crazy fool! Roman people don't live like that!" The weak might have responded with, "I have never heard anything like this before!" Upon hearing of an obligation to consider each other's needs first, both the strong and the weak must have looked at each other and concluded, "There must be a mistake! Surely Paul does not mean that at all!" Paul is not simply calling the strong to bear the weaknesses of the weak; he is also obligating the weak to respect the strong without malice, envy, bitterness and even, if Jesus' words of the obligation to forgive debtors (ὀφειλέταις) are weighed, to respect the strong with forgiveness in spite of the unfair abuses incurred.⁵⁵ So revolutionary was Paul's thought that it inverted common thinking in Roman society for both the strong and the weak and revolutionized how the *ordo* of social stratification worked within the church. Only persons with hearts transformed by Christ, minds renewed through Christ, and a spirit of resistance to Roman conformity because of Christ could conduct themselves toward others in the radical thrust of Roman obligation motivated to the higher order and supreme obligation.⁵⁶

Important to the discussion of conflict resolution in Romans 15:2 is the term "good" (ἀγαθόν). The key to conflict resolution involved the surrendering of privileges, the strong bearing the weaknesses of the weak, and the strong not pleasing themselves. In addition, conflict in the church, between the superior and inferior, Greeks and Jews, and other social distinctions in the nexus of relationships, would find resolution in "pleasing his neighbour for his good to edification." The good (εἰς τὸ ἀγαθόν) of which Paul speaks possesses the goal or termination of "the good," in the language of obligation, virtue and benefaction, that is, with respect to" benefaction

⁵⁵ Matthew 6:12 and a similar reference to obligation is used twice in "The Parable of the Unforgiving Servant" in Matthew 18:21-35; a revolutionary concept given the legal and relational aspects of Roman obligation.

⁵⁶ Rom 12:1-2.

based on theology.”⁵⁷ Winter notes that the “act of benefiting set up a chain of obligations,” such duties were now re-ordered and re-prioritized in the church in mutual benefaction to partner with mutual faith.⁵⁸ Paul also uses “Unto the good” in Romans 13:4, connecting the idea of benefaction with rulers, a servant, honour, glory and *politeia* as those who act in citizenship as benefactors for the good of others, a concept alluded to here by Paul to indicate benefaction in Romans 15:2.⁵⁹ Paul’s sense of obligation “unto the good” in the church often meant breaking common social conventions which were “a part of the fabric of the life in *politeia*” and a part of the fabric of the law and life of Rome in the first century.⁶⁰ Mutual benefaction εἰς τὸ ἀγαθόν created a spirit of edification and obligation through God’s mercies and grace-gifts producing harmony that would resolve conflict.

Jewett highlights the importance of this sense of mutual benefaction and building up (Rom 15:2) as a link to interpretation “in light of Romans 14:19” (“edify one another”).⁶¹ He says, “...each group (the strong and the weak) has the responsibility of building up the other, thus reversing the cultural habit of seeking honour for one’s own group by heaping dishonour on competitors.”⁶² The “cultural norm” fits into a pattern of *mores* involving virtue, honour, benefaction, duty, faith, loyalty, society, dignity and gratitude (see Chapter 2). Roman society itself promoted a code and system of honour engineered by Roman customs (*mores*), but that also included vindictive aspects of behaviour. Lendon says, “Even imagining the constraints a system of honour exerted over ancient conduct in terms of social norms

⁵⁷ Winter, *Seek the Welfare*, 38. Winter also views the “good work” of Romans 13:3-4 to refer to benefaction, especially public benefaction and its linking obligations (34-35). He adds, “Christians were not taught to undertake civic benefactions for pragmatic reasons but rather for theological reasons” (38). See Andrew Clarke, “The Good and the Just in Romans 5:7,” *TynB* 41 (1990): 129-42.

⁵⁸ Winter, *Seek the Welfare*, 46.

⁵⁹ Winter, *Seek the Welfare*, 46, 1-60.

⁶⁰ Winter, *Seek the Welfare*, 47-8.

⁶¹ Jewett, 879.

⁶² Jewett, 879.

imposes a spurious formality on the flexible standards that are themselves one of the standards of a politics of reputation.”⁶³ He continues by saying that “one of the benefits of being held in honour was the ability to ignore, even manipulate, the rules that bound others.”⁶⁴ Epstein intimates that such manipulation of the rules could call for hostile action, including “a burning desire for revenge and a unique commitment to private warfare.”⁶⁵ He also comments further, “A Roman, governed by a harsh ethos, simply could not afford to ‘turn the other cheek’ and expect to maintain his position in society.”⁶⁶

In essence, Roman society in the realm of honour was a “pride society” as well as “shame society.”⁶⁷ The strong (“pride society”), according to Roman *mores*, felt inclined at times to dominate, manipulate and even insult the weak (“shame society”).⁶⁸ Jewett, therefore, acknowledges clearly Paul’s “fundamental reversal” by exhorting the church to “build up” in response to Christian virtue based on Christ, not based on Roman societal norms or customs.⁶⁹ The apostle Paul called for an obligation (based on Rom 15:1-2) that included a fresh Christian custom that encouraged Christian honour and edification, not competition, humiliation, degradation, vindictiveness or insults.

Obligation’s highest order would be to find an example, a model of moral excellence to imitate in the compelling obligation of the strong to the weak and the

⁶³ Lendon, *Empire of Honour*, 31.

⁶⁴ Lendon, *Empire of Honour*, 31.

⁶⁵ Epstein, *Personal Enmity*, 2.

⁶⁶ Epstein, *Personal Enmity*, 2.

⁶⁷ MacMullen, *Romans Social Relations*, 109.

⁶⁸ See Clarke, *Secular and Christian Leadership*, 23-39. He discusses status, enmity, honour in the sense of ἀγαθός, and insult in the sense of κακός, as well as the social display of power and society’s bent toward the privileged among secular leaders in Corinth.

⁶⁹ Jewett, 879; Reasoner, *The Strong and the Weak*, 179-86, discusses the “continuing mutuality of obligation” and “the ethic of reciprocity” but does not discuss the dramatic reversal of Roman customs (*mores*).

mutual benefits each provides to the other.⁷⁰ The Romans often used a model, *exemplum* or an “example” (παράδειγμα), a rhetorical device used as proof for an argument, to persuade, to provide moral guidance, and to use “as guides to conduct everyday life.”⁷¹ Examples were used to indicate virtue, moral purpose, noble actions, and when properly amplified become a form of praise, which “consists in superiority,” and a thing for others to keep in view.⁷² Examples were presented “as demonstrative proofs, for conviction is produced by these.”⁷³

Valerius Maximus compiled a lengthy list of examples (*exempla*) to imitate from “the deeds and sayings worthy of memorial of the Roman City Roman and external nations.”⁷⁴ Skidmore comments, “The glory individual exemplars have achieved encourages readers to imitate their noble deeds; conversely, those historical characters whose actions brought infamy are used to deter the reader from a given course of action.”⁷⁵ According to Skidmore, Valerius Maximus invokes two primary emphases: virtue as moral excellence (ἀρετή) and a deterrence of vice.⁷⁶ Skidmore comments that examples of history and education are tools for imitation, “The two phrases ‘history is philosophy by examples’ and ‘education is the study of characters’ express in a few words the Greek view that the prime function of literature was to encourage men to use examples as guides to everyday conduct.”⁷⁷ Logically, an example is supplied as a model to imitate, whether an example of instruction, of moral guidance, or of virtuous actions.

⁷⁰ Cicero, *The Republic* 2.69. Scipio responds to Laelius concerning duty and function: “Of course he should be given almost no other duties than this one (for it comprises most of the others)-of improving and examining himself continually, urging others to imitate him, and furnishing in himself, ... a mirror to his fellow citizens by reason of the supreme excellence of his life and character.”

⁷¹ Skidmore, *Practical Ethics*, 12. See also Aristotle, *The ‘Art’ of Rhetoric* 2.20.

⁷² Aristotle, *The ‘Art’ of Rhetoric* 1.9.39; 1.9.32-41.

⁷³ Aristotle, *The ‘Art’ of Rhetoric* 2.20.9.

⁷⁴ Valerius Maximus, *Memorable Doings and Sayings* 1, preface.

⁷⁵ Skidmore, *Practical Ethics*, xvi.

⁷⁶ Skidmore, *Practical Ethics*, 11-12, 17.

⁷⁷ Skidmore, *Practical Ethics*, 12.

The striking example that Paul introduces in Romans 15:3-4 is that of Christ and the compelling obligation of *imitatio Christi*.⁷⁸ The model incited a moral obligation to peace and embodied a *persona* that encouraged conflict resolution in the church. Paul's example finds an image in the Christ who "did not please himself," a statement that "sums up with eloquent reticence both the meaning of the Incarnation and the character of Christ's earthly life."⁷⁹ Dunn says, "The model is Christ: if he was willing to suffer misunderstanding and abuse to the extent of giving his own life, how could those who both gloried in their own strength and called Jesus Lord refuse the much less self-limitation of curbing the liberty of their conduct when it was causing their fellow Christians to fall?"⁸⁰ Judge analyses the Christ model in its Graeco-Roman context:

Paul's preoccupation with the death of Christ was the keystone in his thinking...and his personal identification with that, that is with the experience of rejection, was worked out in his own career as constant humiliations and rebuffs to which he was subjected. They are not the marks of a man who is by nature humble. They are the marks of a man who by status and expectation in the social order was eminently placed in his community, and assuming that he would not be treated like that, but who took it as a humiliation, that is, as a conscious loss of status and repudiation of his natural expectation. He justified that to himself, and indeed sought it, because of his preoccupation with the model of Jesus.⁸¹

The Roman mind was dominated by the images of *princeps* and Augustus, "an imperial *persona* which is the embodiment of *auctoritas*," whose moral authority, law and obligations oiled the wheels of the political machinery of powerful Roman rule.⁸²

At the time of Paul's writing to the Romans, Nero was the emperor of Rome, his image and *persona* wielded power, his home, his triumphs, his art as an actor

⁷⁸ Epictetus, *Discourses* 3.3. He says of a procurator of Caesar, "For whom have the people to imitate but you, their superior?" See also Epictetus, *Encheiridion* 3. He speaks of haphazard and half-hearted imitation.

⁷⁹ Cranfield, 2:732.

⁸⁰ Dunn, 842.

⁸¹ Judge, "Paul and Socrates," *Interchange* 13 (1973): 115.

⁸² Garnsey and Saller, *The Early Principate*, 3. Garnsey and Saller note, "We can certainly accept that Nero's revival of law in AD 62 was seen as confirmatory evidence that his rule was sliding into tyranny" (p. 6).

parading on the stage, and his political manoeuvring a public display of his élite superiority and status, each in its own right reinforced images of authority.⁸³ During Nero's reign social status and privileged were solidified, so much so that it was not uncommon in public places like the circus and theatre for "the Romans to sit in their status groups, reinforcing the boundaries between the orders."⁸⁴ Given that Nero was temperamental, prone to impulse, brutal and unfavourable toward Christians because he viewed them as threatening political "subversives,"⁸⁵ Paul's obligation of *imitatio Christi* was not only countercultural and revolutionary, but could have also been viewed in the eyes of suspicious informers and politicians as an act of rebellion and in the eyes of Christians as both an enormous risk and task compelling *avant-garde* obligation.

In Romans 15:3 Paul acknowledges neither Augustus nor Nero as a model to imitate, but rather to imitate Christ's holiness (Rom 1:4), inspiring the good (Rom 15:2) and good deeds or action (Rom 13:3). As expressions of holiness, such action required that even "in the face of mistreatment they were to follow their calling to perform good deeds as their *imitatio* or where public display of 'competitive acts of ostentation' took place to impress, dominate or reinforce distinctions and orders."⁸⁶ Neither would the church be a place where services, contracts for services and transactions would be exacted on the basis of pre-set hierarchical rights, debts, privileges and duties of Roman law and life.⁸⁷ Neither would it be a closed society where the nexus of relationships, its benefits, favours, friends, and obligations based

⁸³ Alston, *Aspects of Roman History AD 14-117*, 118.

⁸⁴ Alston, *Aspects of Roman History AD 14-117*, 118.

⁸⁵ Alston, *Aspects of Roman History AD 14-117*, 119.

⁸⁶ John R. Patterson, *Political Life in the City of Rome* (London: Bristol Classical Press, 2000), 52. Augustus, *Res Gestae* 2.8. Augustus says, "By the passage of new laws I restored many traditions of our ancestors which were then falling into disuse, and I myself set precedents (*exempla*) in many things for posterity to imitate."

⁸⁷ Crook, *Law and Life*, 61.

on Roman law and status, would form the “most comprehensive bond that unites together as men to men and all to all.”⁸⁸ Nor would the church act or perform good deeds, actions, on the undeniable force of Roman obligation with its “invisible rope around the neck of the debtor,” a coercive force that held both parties, the indebted and debtor, in bondage and limited openness and freedom in relationships.⁸⁹

In contrast, the church would be a place where the orders would not be calculated; where the “invisible rope” would fall off of necks and excite genuine freedom; where the strong and weak would welcome each other in mutual faith; where unity would reign in the peace of Christ, and where obligation in the *imitatio Christi* would take precedence and priority above even that of Augustus. The result of the *imitatio Christi* would be glory in God’s kingdom, moral excellence (ἀρετή), Christian obligations, and conduct in the holiness of Christ with Christ as Benefactor who produces unity in the bond of peace and maturity.⁹⁰ Unity is one aim of obligation and, especially the *imitatio Christi*, the “bond (*vinculum*) of connection” which by reason and speech finds meaning in fellowship, society, and common good.⁹¹

The bond of Christ found in the binding obligation of *imitatio Christi* produced the expectation of reciprocal relations to build up the family of Christ in mutual faith. A “tension existed between the preservation of traditional values and innovative adaptation for new situations,”⁹² a tension for Paul between Roman and

⁸⁸ Cicero, *On Duties* 1.50-51. Williams, *Enemies of the Cross of Christ*, 234-52. He describes Paul’s theology of the cross: “group cohesion,” a “reversal pattern” of Roman expectations, *exempla*, the imitation of Christ, and a theology to instruct church unity.

⁸⁹ Zimmerman, *Law of Obligations*, 5.

⁹⁰ Cf. Ephesians 4:3; 3:14 as Paul uses “bond” (σύνδεσμος) in the sense of a tie that binds, a “binding” unity like fastenings holding a ship together or joints and ligaments holding a body together; Plato, *The Statesman* 310 A, “But we say that in those only who were of noble nature from their birth and have been nurtured as befits such natures it is implanted by the laws...this bond which unites unlike and divergent parts of virtue (ἀρετῆς).”

⁹¹ Cicero, *On Duties*, 1.50.

⁹² Meeks, *Origins of Christian Morality*, 78.

Christian world views; thus, Roman obligation as a means to conflict resolution and the innovative obligation of *imitatio Christi* (Rom 15:1-4) anticipated conflict resolution. Paul's answer for conflict resolution through obligation, involved a reformed essence of reciprocal relations that unifies the church, the ability of the imitators of Christ to look to Christ, to look past social distinctions, and to share table fellowship together. Witherington writes, "Paul's concern with dietary issues and the underlying attitude of acceptance of difference that must prevail in the Christian community stems from the compelling need to maintain table fellowship..."⁹³ He adds "that shared meals prefigure, reveal, and reflect" God's kingdom.⁹⁴ The nature of mutual respect, a hallmark of Paul's thought, and a shared, common meal portrays "a clear message – that of equality, transformed relations, and a common life."⁹⁵ Cicero names as one goal of obligation, "the conservation of an organized society," commenting that "in the interests of society...its common bonds will be best conserved, if kindness be shown to each individual in proportion to the closeness of his relationship."⁹⁶ The common factor of the Christian community in Rome was a mutual faith that indicated a new society of obligation, a "partnership," that is, a society "not based, primarily, on an antagonism of interests; its essence is in the pooling of resources for a common purpose."⁹⁷ Unity in the church discovered its common purpose through *imitatio Christi* and a reciprocity based upon mutuality and respect.⁹⁸

⁹³ Witherington, 346.

⁹⁴ Witherington, 346.

⁹⁵ C. Pohl, *Making Room: Recovering Hospitality as a Christian Tradition* (Grand Rapids: Eerdmans, 1999), 32; Witherington, 346.

⁹⁶ Cicero, *On Duties* 1.50.

⁹⁷ Zimmerman, *Law of Obligations*, 451.

⁹⁸ Judge, *Social Distinctives*, 187. He says, "The idea of imitation offered a means of expressing the replication of Christ's experience, especially in social relations, that could be passed on in turn to those who believed in him."

Paul emphasizes the mutual respect of reciprocal relations with his extensive use of the Greek reciprocal pronoun ἀλλήλων and its Greek cognate forms fourteen times in his letter to the Romans, a pronoun which “brings out the *mutual* relations involved.”⁹⁹ Another Greek word dealing with reciprocal relations that Paul uses in Romans 15:7, προσλαμβάνεσθε, “welcome,” encourages the mutual spirit of hospitality, an open door, because “Christ’s act in welcoming men is directed to the glory of God.”¹⁰⁰ “When the strong receive the weak, and the weak the strong, they are in a most significant way glorifying God.”¹⁰¹ Critical to the idea of “welcoming” is a reception that is inclusive, not exclusive. Also critical is the reception of a person’s face, *persona* (πρόσωπον), a Greek term not found in Paul’s letter to the Romans, but found in Galatians 6:12 as a term “originally carrying the meaning of ‘mask’ but by the time of the first century it was used to describe the status of a person.”¹⁰² The idea of “welcoming another” reflects, in Roman society, their faces as it relates to status and the accompanying obligations, an idea closely akin to προσλαμβάνεσθε with the force of an imperative indicating a genuine obligation.¹⁰³ Cicero saw this concept of face as one’s “countenance,” “so formed his features as to portray therein the character that lies deep within.”¹⁰⁴ Another Greek phrase that speaks to reciprocal mutuality is in Romans 15:5 where Paul speaks of unity in God that is “to be likeminded toward one another” (τὸ αὐτὸ φρόνεῖν ἀλλήλοις). A similar phrase is also used in Romans 12:16, both meaning “to live in harmony among

⁹⁹ Robertson, *Greek Grammar*, 692.

¹⁰⁰ Barrett, rev. ed., 248.

¹⁰¹ Barrett, rev. ed., 248.

¹⁰² Winter, *Seek the Welfare*, 137-41.

¹⁰³ Aristotle, *Politics* 1312b17. The idea concerns “receiving” soldiers into an army, “connections banded together.”

¹⁰⁴ Cicero, *Laws* 1.27. Cicero says, “...not only do the eyes declare with exceeding clearness the innermost feelings of our hearts, but also the countenance” and behind that character. The footnote comments, “Cicero appears to referring both to the facial expression as a mirror of momentary emotion and to the countenance...as an index to character” (n. 1); Horace, *Epistles* 1.18. Commenting on a protégé and his conduct, Horace says, “He must fall in with his patron’s moods and at all times show a cheery face.”

yourselves,” a phrase “not calling for a rote uniformity of thought, but for a common attitude and purpose” contributing to the quality of harmony in the Christian community.¹⁰⁵ The harmony, “which with one mind and mouth glorify God” (Rom 15:6), hints that part of the disunity and chaos in the church led to harmful language that was neither becoming of Christ, nor in keeping with the building up of Christ’s body, neither was it in the spirit of the harmonious household of God’s family.¹⁰⁶ In the obligation of *imitatio Christi* his peace would reinforce a healthy, unified Christian society, combating hierarchy and even rules of Roman associations, where genuine community flourished and glorified God.

4. *Imitatio Christi* and God’s Intention for Unity

Paul highlights five Old Testament quotes in Romans 15:1-7 to further explain the obligation to unity through *imitatio Christi*. Paul’s use of Old Testament quotes further enhances his argument for mutuality and unity as he draws it to a close. It also allows that Christ welcomed both Jews and Gentiles and gives praise to the Lord from all people. The five Old Testament quotes come from the law (Deuteronomy), a prophet (Isaiah) and the Psalms. They appear vague in meaning, but one thing is clear: “the mutual acceptance *now* of Jews and Gentile believers at Rome, together with the Gentiles’ praise of God for sending the Messiah, already makes that final, universal, and eternal praise of God of which the Scriptures spoke and to which, properly told, the story [of Israel] pointed.”¹⁰⁷ Paul begins with an Old Testament quote from Psalm 68:10 (LXX), the “reproaches,” (οἱ ὀνειδισμοί) indicating disgraced behaviour,¹⁰⁸ insults in the sense of the “high-minded” insulting those of low desires,¹⁰⁹ a type of

¹⁰⁵ Dunn, 746.

¹⁰⁶ Epictetus, *Discourses* 4.35-7. He speaks of “control over moral purpose,” saying, “These are the judgments which produce love in the household, concord in the states, peace...”

¹⁰⁷ Bryan, 215.

¹⁰⁸ Plato, *Symposium* 183C.7.

¹⁰⁹ Dio Chrysostom, *Orationes* 77/8.38.5.

letter sent to those who fail obligation and honour,¹¹⁰ the “casting in teeth” favours by ingratitude,¹¹¹ and even an inference to shameful conduct of bad reputation.¹¹² Paul’s use of the Psalm appeals to the Jews; his use of ὀνειδίζόντων appeals to the Graeco-Roman conscience in their “high-minded” insult and shame society, thus accentuating the unifying concept of resolution in the Christ model who took upon himself insults, disgrace, dishonour, and shame for both Jews and Gentiles. In Romans 15:3 Paul addresses the Christ-model as a fulfilment of the Scriptures, a source in a society of shame and reproach where Christians cannot only learn but gain strength to endure and to find comfort in life, qualities influenced by the peace of Christ.¹¹³

The quote from Psalm LXX 17:50, the second Old Testament quote, indicated that Christians under the model of Jesus Christ, the *imitatio Christi*, and as a unified church, “are under a different covenant and are obliged to its commandments.”¹¹⁴ Paul says that Jesus is a “minister of the circumcision” in Romans 15:8. While presented in obscure language, it is “plain that *circumcision* is taken as a collective, equivalent to the Jews.”¹¹⁵ The word “minister” (διδάσκων) speaks of God’s faithfulness to the covenant, intention of obeying God’s will, and a characterization of Christ’s humble service to men.”¹¹⁶ “Paul has underlined once more the special priority and privileges of the Jews...and it might perhaps be a further encouragement for the strong to show considerateness,” or at least to respond to the Jews with qualities of patience and comfort like God (Rom 5:5).¹¹⁷

¹¹⁰ Philo, *Embassy to Gaius* 38.305. A letter of reproach was sent to Pilate for failing obligations of honour. See also Lendon, *Empire of Honour*, 50-1; 71.

¹¹¹ Dio Chrysostom, *Orationes* 45.7.5.

¹¹² Lendon, *Empire of Honour*, 41. In a discussion of “the good” Lendon acknowledges two important facts: (1) “...Roman society was to a great degree a shame culture...;” (2) “Little surprise: in the Roman world one’s moral reputation was an integral part of one’s rank in society” (p. 41).

¹¹³ See Romans 5:1-6 with an emphasis on “patience” and “hope;” 12:1-2, 15:4, “comfort” and “hope.”

¹¹⁴ Witherington, 342.

¹¹⁵ Barrett, rev. ed., 248.

¹¹⁶ Cranfield, 2:741.

¹¹⁷ Cranfield, 2:742.

Witherington adds that “Paul is mainly exhorting the Christians to be servants of their circumcised fellow Christians, and he is also countering anti-Semitism by reminding them that God has not given up on his chosen people.”¹¹⁸ If the like-mindedness (ὁμοθυμαδόν) of Christian unity binds the strong and weak together, Jew and Gentile alike, it will require self-surrender to self-interests that are neither anti-service, anti-Semitic, and reflect a radical approach to the issues of order and status.¹¹⁹ This radical like-mindedness leads to “like words” (Rom 15:9, ‘I will confess,’ ἑξομολογήσομαι), an agreement, a confession, a binding contract of words that result to declare God’s glory and praise for his mercy, because “unifying conduct is doxological by its very nature.”¹²⁰ Again, Paul’s efforts in quoting the Old Testament, no better illustrated than in the use of a Psalm of Israel to communicate to Jews and Gentiles (ἔθνεσιν, used six times in four verses) God’s love and Paul’s obligation to both (Rom 1:14-16), also confirm God’s plan of salvation, God’s promises, Paul’s mission, and the confessional nature of one mind in Christ.¹²¹ The new covenant of obligation under Christ calls for loudest praise to God.

The third and fourth Old Testament quotes, from Deuteronomy 32:43 (LXX) and Psalm 116:1 (LXX), include three imperatives implying obligation to be glad in (εὐφράνθητε), laud (αἰνεῖτε), and magnify (ἐπαινεσάτωσαν) the Lord. The three words possess ideas of praise in action (“...in action, rejoice in these things” and “merriment” of a feast),¹²² praise in the sacrifice of gratitude (“praise-offering...expressions of gratitude...”),¹²³ and praise in the work or deed of good

¹¹⁸ Witherington, 343.

¹¹⁹ Judge, “St. Paul as a Radical Critic of Society,” *Interchange* 16 (1973: 203.

¹²⁰ Witherington, 343.

¹²¹ Dunn, 848.

¹²² Epictetus *Discourses* 4.4.46; Philo, *Special Laws* 2.194.

¹²³ Philo, *Special Laws* 1.224.

(“commending a deed”) or praise of an action.¹²⁴ Aristotle underscores that the importance of praise is “founded on actions,” moral purpose, and virtue adding, “Now praise is the language that sets forth greatness of virtue (ἀρετῆς); hence it is necessary (δεῖ) to show that a man’s actions are virtuous.”¹²⁵ The praise is obligated (δεῖ) by Paul through the force of imperatives based on the *imitatio Christi* as a virtuous action, a sacrifice, and, in the deed of good by the Gentiles, a triad of the qualities of Christ toward Jews and Gentiles, qualities that incited conduct to glorify God. It is significant that “the inclusion of the Gentiles is not to be regarded as a happy afterthought; it was foretold in Scripture.”¹²⁶ In the church, the unity of praise reflects the mutual acceptance of each other in gratitude for Christ’s sacrifice, but also anticipates “in a certain sense the song of praise of the eschatological, salvific community made up of Jews and Gentiles and redeemed by Christ.”¹²⁷ God’s promise included all and invites all to join in a hymn of praise.

The final and fifth Old Testament quote comes from the prophet Isaiah (11:1, LXX), quoting “his favourite prophet,”¹²⁸ and connecting his concluding statements in Romans 15 with two concepts from Romans 9–11 and one general theme from Paul’s letter: The “root” of the Jews (Rom 11:16, 17, 18); the plan of God for the salvation of the Gentiles (Rom 11:11, 12, 13, 25); and hope as a unifying theme for the weak and the strong, Jews and Gentiles, in the words “we are saved by hope” (Rom 8:24). The Isaiah quote inserted by Paul in Romans 15:12 refers to “the eschatological prospect of peace held out by Isaiah (11:1-6)” by combining inferences to Christ as the Messiah, Christ’s resurrection and his rule over the Gentiles.¹²⁹ The

¹²⁴ Josephus, *Antiquities* 14.293.

¹²⁵ Aristotle, *The ‘Art’ of Rhetoric* 1.32-3.

¹²⁶ Barrett, rev.ed., 272.

¹²⁷ Stuhlhmacher, 233.

¹²⁸ Dunn, 850.

¹²⁹ Dunn, 850.

Roman mind, ever conscious of the empire of honour, held the rule of the emperor as the highest obligation and priority on the scale of hierarchy, thus verse 12 “may also be an applied critique of Roman attitudes about the subjugated Jews and about the emperor as ruler over all the nations.”¹³⁰ This Greek use of words involves “an implicit appeal to the *δυνατοί* (many of them Gentile Christians) to receive (cf. v. 15:7), and show considerateness to those weak brothers (most, if not all, of them Jewish Christians), according them special honour for the sake of their kinsman, the Messiah of the Jews, who is the Gentiles only true hope.”¹³¹ The “considerateness” Paul speaks of is the compelling obligation of *imitatio Christi* that unifies and brings peace to the strong and the weak, “for in the end all glory, honour, and praise will accrue to Jesus Christ, not Caesar.”¹³²

The climax of *imitatio Christi* is found in Paul’s concept of hope, “a sweet hope” that rules the minds of mortals, attends to good, which assists persons in living out their “days in justice and piety.”¹³³ Aristotle views hope as stored in the imagination, a “sensation” related to pleasure, and a pleasant sensation related to the “future in hope.”¹³⁴ He adds, “The things which we hope for are pleasant, when their presence seems likely to afford us great pleasure or advantage, without the accompaniment of pain.”¹³⁵ Given the messianic, Jewish reference to hope from Isaiah, the meaning could also be influenced by Roman minds as the weak faced “inequalities, deriving from uneven property distribution that was confirmed or even accentuated by imperial policies...underpinned by Roman law,”¹³⁶ insults, and insinuations negatively attached to some obligations in Rome’s society where the

¹³⁰ Witherington, 344.

¹³¹ Cranfield, 2:747.

¹³² Witherington, 344.

¹³³ Plato, *Republic* 1.331A.

¹³⁴ Aristotle, *The ‘Art’ of Rhetoric* 1.11.6-7.

¹³⁵ Aristotle, *The ‘Art’ of Rhetoric* 1.11.9; 1.11 5-12.

¹³⁶ Garnsey and Saller, *The Roman Empire*, 10.

strong's domination produced despair, anxiety, and, often, hopelessness. Hope, in Paul's spiritual sense, the realm of Christ's rule, longs for true justice, piety, pleasure, and freedom from the oppression often reinforced in Rome's obligation society. After all, "an essential characteristic of the believer, as this epistle has very clearly shown, hope is perhaps also that characteristic which has at all periods most strikingly distinguished the authentic Christian from his pagan neighbours."¹³⁷

As a part of Paul's climax in Romans 15:13, he expresses a wish, in the optative mood, "a benediction." He also communicates themes of peace and joy in the spirit of mutual reconciliation in the concept of messianic peace from Isaiah 11, but also reflecting "contemporary Roman heroic ideals."¹³⁸ Guerra says,

Beginning with Augustus, imperial propaganda luxuriated in extravagant praise of the peace achieved by *Princeps*. In Vergil and Horace, paeans to Augustus evinced a clearly eschatological emphasis, for the emperor was credited not only with ending an era of war and conflict but also with inaugurating the new age. Pacification was accomplished by the strong yet clement hand of the saviour, the emperor. The successors of Augustus expected similar accolades from their contemporary bards and were often obliged.¹³⁹

A "golden age" of peace was celebrated in the age of Nero, a peace of imperial propaganda that praised "the *Pax Romana* that had not simply ended warfare, but reconciled antagonistic peoples in the warm embrace of the imperial father."¹⁴⁰ The poet Calpurnius Siculus, writing during the reign of Nero, speaks of the "Golden Age" as a time of undisturbed or "untroubled peace."¹⁴¹ However, the peace with God, not a peace of oppression and propaganda, but of service, "will be the result of a

¹³⁷ Cranfield, 2:748.

¹³⁸ Guerra, *Romans and the Apologetic Tradition*, 127.

¹³⁹ Guerra, *Romans and the Apologetic Tradition*, 127.

¹⁴⁰ Guerra, Guerra, *Romans and the Apologetic Tradition*, 127; Augustus, *Res Gestae* 2.12-13.

Augustus' words of honour, peace, and *Pax Augusta* surround the context of *Princeps*.

¹⁴¹ Calpurnius Siculus, *Prima* 1.42-45.

true faith in the Christian's heart."¹⁴² The peace will provide the benefit of a unifying result that impacts the heart when the obligation of *imitatio Christi* is fulfilled.

Joy is also a result of mutual reconciliation in the church. Paul's expressed wish falls in the context of Isaiah's long passage on "the root of a branch" (11:1). Isaiah 11 and Isaiah 12 tie together three things: (1) a day in which the fruitfulness of God's spirit in the messianic age will bring unity; (2) a day in which the nations will come together and be reclaimed under one banner, ending all jealousy and hostility; and (3) a day that will result in praise to God and deliver joy by God's deliverance and renewal, "With joy you will draw water from the wells of salvation" (Isaiah 12:3). One of the benefits of *imitatio Christi* is joy, God as benefactor supplying the favour that leads to rejoicing. Seneca says, "If he [the benefactor] accomplishes what he wished, if his intention is conveyed to me and stirs in me a joyful response, he gets what he sought."¹⁴³ Even the benefit of joy, as is understood in Roman minds, can carry with it the concept of reciprocal obligation, "for every one rejoices to know that a benefit extends further than he thought."¹⁴⁴ Joy is a benefit that is reciprocal: the benefactor rejoices with joy and so too the receiver of the benefit.

If peace and joy possess, inherently, mixed messianic and Roman contemporary claims (Rom 15:12-13), then Paul's use of "in the power of the holy spirit" also possesses these mixed understandings in words that carry the language of unity to its conclusion. Isaiah 11:2 speaks "of the spirit of the Lord," a "spirit of counsel and power," words that Jesus used in Luke 4:18 to speak of the Gospel, freedom, the Lord's favour, and fulfilment of the messianic age with its unifying effects. Romans themselves, including Jews who lived under Roman rule and law,

¹⁴² Sandlay and Headlam, 399.

¹⁴³ Seneca, *On Benefits* 2.31.2.

¹⁴⁴ Seneca, *On Benefits* 2.24.4. Seneca's words connect obligation and joy: "The greater the favour, the more earnestly must we express ourselves, resorting to such compliments as 'You have laid more people under obligation than you think'..."

upon hearing of the “power of the Holy Spirit,” thought of power (δύναμις) in terms of the machinery Roman government embodied in *Princeps*, household rule with its power in the *paterfamilias*, and reciprocal social relations based on the weak who had little or no power under obligation to the strong who wielded power.¹⁴⁵ The power, *potestas*, and δύναμις are translated as “strength,” a vital role in social structure, cohesion and function with the strong with their privilege dominating the weak, knowing that “there were publicly recognized or recognizable criteria on the basis of which those privileges could be identified.”¹⁴⁶ Paul’s genius is in carefully inserting Old Testament passages and Graeco-Roman words to communicate unity and mutual reconciliation in the obligation of *imitatio Christi*, but at the same time to place the strength of power in God the Benefactor, in Christ the one to imitate, and in the Holy Spirit. Paul’s sense of all three factors aimed to express his wish in counter-cultural language and revolutionary thought calling for new action under the compelling obligation of *imitatio Christi*. Obligation, its duties and relationships to God first and others second, in the power of the Holy Spirit, served as the solution to conflict, racial polarization, and tension between the strong and the weak. *Imitatio Christi* as the one obligation that overrides all others supplied clarity, continuity, decisive action, and power to conflict resolution in the church.¹⁴⁷ Obligation in the *imitatio Christi* is the key intersecting link and social dynamic to church unity.

The resolution of conflict and the behaviour associated with resolution in Roman society was based on Roman law, *mores*, the hierarchical pattern with its

¹⁴⁵ Garnsey and Saller, *The Roman Empire*, 127; 107-59.

¹⁴⁶ Garnsey, *Social Status and Legal Privilege*, 235.

¹⁴⁷ Judge, *The Social Pattern*, 27. Paul’s obligation and wish for Christian citizens in an *imitatio Christi politeia* was in stark contrast to Roman citizenship: “...into a common citizenship, and the Roman republic itself, faced with the demand for continuity and decisiveness in action created by its own growth, had allowed an overriding combination of powers to be vested permanently in a single official, the Caesar.” Caesar’s power included an obligation to the Roman empire. Paul asked the church in Rome to vest their highest priority of obligation in a single person, Jesus Christ.

reciprocal relations, and the nexus of relationships based on Roman power, status and rank.¹⁴⁸ Roman obligation was biased toward the strong, “the powerful who made the law, the same men who felt free to subordinate the law to higher claims of peer loyalty, patronage, and favouritism.”¹⁴⁹ The strong dominated, placing the weak under obligation to them in the social structure of the Roman empire, a pattern that exacerbated “unremitting social tensions,”¹⁵⁰ tensions which eased their way into the church in Rome. Paul instructs the church to change the model not of *imitatio princeps*, but of *imitatio Christi*; not of a hierarchical pattern *per se*, but of an inverted pattern of “not pleasing yourselves;” not of a weak-obligated-to-strong dynamic, but a strong-obligated-to-weak dynamic; not on the Roman law of obligation coercing behaviour, but on the Christian service of obligation based on God’s mercies and gifts of grace. Paul’s obligation to the church was revolutionary, calling for a change of mindset, and was inclusive, not exclusive.¹⁵¹ After all, Roman obligation sought control and domination through social distinction.¹⁵² Paul was challenging the strong to an obligation to include the weak, to drop social distinction, and welcome them by faith. For the Roman church the calculators of obligation were being asked to calculate, not the *persona* of rank and status, but the person of Christ; not on “external impressions,”¹⁵³ but the transformed heart; not to please themselves because Christ, their model to imitate, did not please himself and welcomed all. Paul, in an appeal to conscience that re-orders conduct, called the church to a unity of purpose through the

¹⁴⁸ MacMullen, *Roman Social Relations*, 112.

¹⁴⁹ MacMullen, *Roman Social Relations*, 112-13.

¹⁵⁰ Crook, *Law and Life*, 57.

¹⁵¹ Pieter G. R. deVilliers, “Peace in the Pauline Letters: A Perspective on Biblical Spirituality,” *Neotestamentica* 43 (2009): 17. He writes that Pauline peace “has an inclusive character.”

¹⁵² MacMullen, *Roman Social Relations*, 88-127.

¹⁵³ Epictetus, *Discourses* 2.16. He indicates, “The things which a man ought to practise all day long, without being devoted to what is not his own, either comrade, or place, or gymnasia, nay, not even his own body; but he should remember the law and keep that before his eyes.” Epictetus, *Discourses* 1.1.7; 1.28.11. He speaks of the “power to make correct use of external impressions” and the “impression of one’s senses,” an inference to judgments made from external impressions. Polybius, *Histories*, 15.25.22. The word also means “pomp” or “parade” or “ostentation.”

imitatio-Christi-transformed and faith-invigorated social convention of Roman obligation.¹⁵⁴

5. Romans 14-15

Paul's effort to re-order conduct would require obligation, Christian virtue in the realm of honour, a solution of equality and reciprocal exchange, and actions based on the best interests of the Christian community. Obligation meant that the strong were "under obligation" to the weak, including the weak in faith (Rom 14:1). The strong were "under obligation" not to please themselves. Social distinction was a reality in Roman society, but Paul struggled "hard for vision that most pagans, many Jews, and some Christians do not share."¹⁵⁵ Paul's vision was unity among Christians in the church in Rome, a unity where there was no social distinction and where an inclusive spirit thrived to "build an alternative society."¹⁵⁶ For such unity to be achieved the Christian community would have to focus on God's kingdom (Rom 14:17), God's household (Rom 15:2), and reception of others based on the model of Christ (Rom 14:1; 15:7). Paul promoted an "inclusive ethic" based on Christ's example of welcoming each of them, thus obligating the Christian community to welcome each other for the unity of the church and the glory of God.¹⁵⁷

¹⁵⁴ Guy G. Stroumsa, *The End of Sacrifice* (trans. Susan Emanuel; Chicago: University of Chicago, 2009), 2, 13, 42, 73. He views the *imitatio Christi* as "a radical form, expressing the will to go up to martyrdom in order to repeat in some way the sacrifice of the Son of God... (p. 73). He also sees Christianity as forging an identity in the first century: of "interiorization," of prayer, worship and ethical norms based on *metavoiia* versus a Roman civic religion; of distancing itself from Judaism by writing its codes on papyrus versus scrolls; and by focusing on the sacrifice of Christ versus the repulsive animal sacrifices in pagan temples.

¹⁵⁵ John D. Crossan and Jonathan L. Reed, *In Search of Paul: How Jesus's Apostle Opposed Rome's Empire with God's Kingdom* (San Francisco: HarperSanFrancisco, 2004), 378.

¹⁵⁶ Horsley, ed. *Paul and Empire*, 206; Reasoner, *The Strong and the Weak*, 194. He views the strong's actions "as a means toward the ultimate obligation of glorifying God (15:6)."

¹⁵⁷ Toney, *Paul's Inclusive Ethic*, 103-4.

This inclusivity would be different than patrons receiving clients in a socially stratified society, different than Gentiles¹⁵⁸ despising Jews in a conflicted society, but rather a reception according to virtue. The virtue would not be based upon Roman honour stemming from legal concepts and Greek philosophical models, but a virtue of Christian honour based on Christ. This would not require a “competition of honour” based on civic pride, social power, and prestige, but virtue in a sense of “oughtness” or duty “derived from faith in the gospel, the gift of the spirit, and membership in the community of faith.”¹⁵⁹ The virtue would inspire Christian duty as Paul was “declaring a social obligation that derives from a particular relationship in which the benefits have already been received.”¹⁶⁰ Jewett observes, “Having received the supreme gift of salvation, granted freely to the undeserving, each recipient has the reciprocal obligation of gratitude to the divine Giver and of passing on the gift with similar generosity to others who are equally undeserving.”¹⁶¹ Grace given by God and grace received required a reciprocal obligation of grace with a spirit of patience and comfort as Christ benevolently demonstrated to each of them.¹⁶²

Paul demanded obligation in a radical ethic, but not one based on social hierarchy, social pressures, exploitation or aristocratic tendencies from Roman society.¹⁶³ The “radical Paul” called for equality, mutuality, and humility.¹⁶⁴ As such Christians were called upon to treat brothers and sisters as equals, to “follow after things which make for peace” (Rom 14:19), and to practice the humility of Christ (Rom 15:3). For Paul, Christ’s humility, especially the meaning of the cross,

¹⁵⁸ MacMullen, *Roman Social Relations*, 192 n. 51. He says ἔθνος is a Greek equivalent for “class.” See Rom 3:29; 9:24; 15:10.

¹⁵⁹ Jewett, 50, 876.

¹⁶⁰ Jewett, 876.

¹⁶¹ Jewett, 876.

¹⁶² Rom 1:5; 15:5, 15. Käsemann, 377.

¹⁶³ Horsley, ed., *Paul and Empire*, 191.

¹⁶⁴ John D. Crossan, *God and Empire: Jesus Against Rome, Then and Now* (San Francisco, California: HarperSanFrancisco, 2007), 163-79; Horsley, *Paul and Empire*, 241. Fiorenza calls this the “praxis of co-equal discipleship” (p. 241).

“energized his entire apostolic endeavour.”¹⁶⁵ Christ’s humility obligated the Christians in Rome to discard social superiority, such boasting and the shaming hostilities often associated with superiority in Roman culture.¹⁶⁶ Christ-like humility would reign in the church over personal enmity. The model of Christ would encourage “self-denial”¹⁶⁷ and result in “one voice.”¹⁶⁸

Obligation centred in the “redemptive action of the Messiah who did not please himself would be the formula to resolve the conflict between the strong and the weak.”¹⁶⁹ Paul’s urgent appeal of obligation for conflict resolution in the Christ community in Rome would not be centred on Roman legal and social formulas and remedies in Rome’s obligation society, but on Christian obligation in God’s kingdom, Christian virtue based on Christ’s virtue and actions (both commands and prohibitions) anchored in Christ.¹⁷⁰

6. Conclusions

Paul’s primary goal in Romans 15:1-13 is to resolve conflict between the strong and the weak in the church. His theological judgment identifies the reality of the tension between the strong and the weak, a tension with polarizing racial undertones. Paul takes the side of the strong while pleading for unity by using the Roman legal and social dynamic of obligation. Paul placed the strong under obligation to bear the weaknesses of the weak, including the countercultural challenge “not to please ourselves.”

¹⁶⁵ Horsley, ed. *Paul and Empire*, 167. Elliot discusses the “anti-imperial message of the cross” and how Paul used the nature of the cross and “focused it through the lens of Jewish apocalypticism” (167-83).

¹⁶⁶ Jewett, 879-80. He says that Christ absorbs the shame (p. 880). See Rom 15:3.

¹⁶⁷ Stuhlmacher, 229.

¹⁶⁸ Käsemann, 383.

¹⁶⁹ Jewett, 879.

¹⁷⁰ *Contra* Elliot, *The Rhetoric of Romans*, 298. He says, “Finally, our interpretation suggests a corrective of the pervasive Christian chauvinism that is based, historically and culturally, in a triumphalistic christomonism. The recovery of the Pauline gospel’s profound rootage in the covenant of Israel points beyond the destiny of particular peoples – ‘the Jews’ or ‘the Gentiles’ – to the fully cosmic scope of God’s redemptive purpose, as this is signified in the history and future of Jesus Christ” (299).

Paul inverted Roman obligation's understood precepts of Augustan themes, *princeps*, and the hierarchical pattern of Roman social relations in obligation by introducing a compelling obligation: *imitatio Christi*. This created a new order and a radical ethic based upon conscientious theological convictions upon God mercies and his grace, a stark contrast to Roman obligation based on merciless power and graceless abuse of power by the strong of society. Obligation became the means for conflict resolution in the church in Rome.

Paul used five Old Testament quotations to reinforce unity, mutuality, peace, joy, and hope in the spirit of *imitatio Christi*. The quotes carried the force of Roman understandings that both the strong and the weak could identify, as well as Jewish implications that encouraged unity between both the strong Gentiles and the weak Jews. The quotes reinforced Christian virtue, behaviour, and community by logically discussing the results of what can happen when the strong are under obligation to the weak in the *imitatio Christi* under the rule of the kingdom of God.

Paul's binding obligation of *imitatio Christi* designed a spiritual plan that included more than mere duty, but faith beyond duty, "good faith,"¹⁷¹ a faith "with obligation" because of Christ motivated from the heart, not just Roman law, social practise, and convention. The faith produces unity between the strong and the weak, encouraging community, reception of all persons, and causing "advantage" to fade while pushing weakness "into the background" in the church.¹⁷² Paul's binding obligation undercut the classical order by placing a higher priority on the whole

¹⁷¹ Seneca, *On Benefits* 3.15.1-2. He says, "Would that no compact marked the obligation (*obligaret*) of buyer to seller, and that no covenants and agreements were safeguarded by the impress of seals, but that, instead, the keeping of them were left to good faith and a conscience that cherishes justice! But men have preferred what is necessary to what is best, and would rather compel good faith (*fidem*) than expect it." See also Zimmermann, *Law of Obligations*, 789: "The debtor had to adjust his behaviour in accordance with the precepts of good faith, and was thus subject to a whole range of duties of care."

¹⁷² Henrik Ljungman, *Pistis: A Study of its Prepositions and its Meaning in Pauline Usage* (Lund: Gleerup, 1964), 49, 48-54. Faith becomes an aspect of obligation based on God's mercy.

person, not merely the quickly calculated *persona* based on status and rank. Paul's binding obligation laid claim to both Messianic and Roman ideals: peace and joy, certainly ideals liberated from Roman power by the "power of the Holy Spirit."

Ultimately, Paul, in using ὀφειλή to reconcile the strong and the weak, is "plundering the Egyptians," that is, using a term or word by converting it for his own uses to communicate the gospel.¹⁷³ In Romans 15:1 Paul's "plunders" ὀφειλή by using it as a powerful weapon to reinforce the Christian ethical obligation of *imitatio Christi* rather than pervasive, Roman conventional way of thinking to build up and unify the church in Rome.¹⁷⁴

The material discussed in this chapter as it relates to Romans 15:1-13 has demonstrated that Paul both understood Roman obligation and placed the church in Rome under obligation to a higher, more noble, more compelling obligation: *imitatio Christi* which overrides all other obligations. A mutual faith and a unified church would be the result: obligation as ethics, the power of Roman ὀφειλή as the key to conflict resolution.

¹⁷³ E.A. Judge, "Paul's Boasting in Relation to Contemporary Practice," *ABR* 16 (1968): 40. He calls this plundering of a word the "spoiling of the Egyptians" by "turning its subtleties against itself" and emphasizes that the early church fathers would have put it this way.

¹⁷⁴ Winter, *Paul and Philo*, 160.

Chapter 9: Conclusions

1. Summary

It has been argued that the Roman background of Romans 14:1–15:13 supplies the key element in resolving the conflict between the strong and the weak in the church in Rome. Paul's plundering of "obligation" (ὀφειλή), with its legal, political, and social aspects, provided a powerful tool of influence in his innovative argument for the resolution of conflict between the strong and the weak.

The Introduction suggested that the strong and the weak were two distinct classes of people, one socially superior and the other socially inferior. It noted how different scholars categorize the strong and the weak in the Epistle to the Romans. Social stratification was suggested and, given the fact that Paul had not yet been to Rome at the time of his writing, the precedent of Paul's experience with the Corinthians (I Cor 8–11:1) was discussed as being influential in Paul's argument in Romans 14:1–15:13. An integral part of the interpretation of Romans 15:1 was how Roman obligation, with its law, *mores*, hierarchical pattern, and resolution of conflict, played a vital role in Roman social practice as well as in the conflict in the church in Rome. Obligation was introduced as Paul's key to resolving the problems between the strong and the weak. The cultural implications of the Graeco-Roman background of the New Testament is often observed but not explored in depth, creating a diversity of interpretations in Biblical studies.¹ Paul's critical tool for social invention reinterpreted Roman obligation based on a new model: that of *imitatio Christi*.

It was proposed that the appropriate approach to Romans 14:1-15:13 was to use the two avenues of Roman obligation: the critical tool of social invention and Paul's new model. Section I of the thesis addressed the law of obligation in Roman

¹ Judge, *Social Pattern*, 7.

society. Roman society functioned, in essence, in the nexus of social relationships linked together by Roman legal obligation. Section II of the thesis observed the Biblical text of Romans 14:1–15:13 and demonstrated a new obligation for the Christian community at Rome.

Chapter 1 explained the legal basis of Rome's obligation society, a network of tightly defined social ties, legal responses, and incipient duties associated with obligation. Roman law served as the foundation of society and mediated legal conflicts. It also persuaded and motivated the social practice of Roman society. Primary and secondary literary sources indicate the strategic foundation of Roman law for social control, social cohesion, and interpersonal conflict resolution.

Roman law influenced social practice, but also played an essential role in the *mores* of Roman society. Chapter 2 discussed them as a primary influence in the way Roman society operated and functioned. Roman society maintained its principal foundation in Roman law, but it operated on the basis of indispensable *mores*. It was an "empire of honour," of duty, piety, loyalty, dignity, and gratitude, each representing spokes in the wheel of Roman obligation with obligation the hub that enabled Roman society to function. These *mores* formed a bond in social relationships as Romans related in social practice and daily life.

Relationships were cemented together by Roman law, the *mores*, and maintained social patterns that were hierarchical, vertical, and clearly disposed toward the privileged (strong) of society. Chapter 3 discussed how the pattern of Rome's obligation society was organized, the advantage of noble birth, wealth, and the "aristocrats"² of Roman society. Roman aristocratic society demanded orderliness predicated upon its rank and social status. The hierarchy established rules and

² Cicero, *Republic* 3.13.23.

obligations for both the strong and the weak based upon two key elements: patronage and household *paterfamilias*, with each unique societal construct filtering into the broader society with corresponding duties. The hierarchical pattern functioned socially in a series of circular commands and prohibitions. It required reciprocal relations or reciprocal responses with the obligation of a superior to the weaker as a response and *vice versa* in what Cicero described as an endless “sort of bargain between the common people and the powerful.”³ The bargain of reciprocal relations cemented their bond of obligation in social practice, thus creating a society of equality in inequality with “different kinds of domination and subjection.”⁴ The socially advantaged strong dominated the weak, as was shown in this chapter in the way the hierarchical pattern worked in Rome by distinguishing the Gentile “strong” and the Jewish “weak.” This distinction created conflict in Rome in the form of racial polarization, anti-Semitism to be specific, that had to be faced.

Chapter 4 discussed conflict resolution in Roman society. Roman obligation in society was a tool for resolving conflicts of all kinds throughout the empire. Power, rank, status, patronage, and friendship along the ascending or descending Roman hierarchical scale was an overall strategy with rules and specified obligations that brought resolution, concord, and peace in relationships in society, each respectively reducing tension; thereby, it did “not disturb the stability of the State.”⁵

Zimmermann demonstrated that Roman obligation was “an invisible rope” to bind the weak to the strong.⁶ When conflict arose, resolution came through compliance and submission when obligations were fulfilled in “good faith.” When obligations were refused, coercive obligation took place, a kind of tightening of the

³ Cicero, *Republic* 3.13.23.

⁴ Cicero, *Republic* 3.25.37.

⁵ Cicero, *Republic* 6.1.1.

⁶ Zimmermann, *Law of Obligations*, 5.

“invisible rope” around the neck, as the strong forced the weak to fulfil their obligations. In such cases, coercive obligation took place because the strong in society possessed social privileges. The weak were often abused, manipulated, exploited, and their reputations destroyed because “the weaker should be willing to obey the stronger.”⁷ Roman obligation according to Roman honour and loyalty strengthened the bonds amicably and in the case of refusal increased tensions, inciting enmity, greed, revenge, and envy. Conflict reinforced social distinction based on how persons were read and categorized according to rank, status, and obligation.

Paul’s challenge in the church in Rome was to overcome law, custom, and social practice based on Roman cultural expectations of rank and status and to create a new obligation for the church with an innovative model for Christian ethics as opposed to mere Roman virtue.

Chapter 5 discussed the reality of conflict between the strong and the weak with a special reference to polarization in the church in Rome. It considered Paul’s warning of an anti-Semitic crossover into the church. In Romans 14 Paul outlined the dichotomy of church conflict and polarization in their ethnic, practical and theological contexts. He laid out his theological judgment and that of the strong as he discussed Sabbath days and food. Paul also outlined the position of the weak’s theological judgment concerning Sabbath days and food. Two first-century ways to approach conflict were contrasted: (1) the cultural way based upon Roman law, obligation, and social practice or (2) a way based upon the values, obligations, ethics, and social relations in the kingdom of God.

Chapter 6 digressed in order to establish Paul’s logical and sequential argument toward Roman obligation as the critical tool for conflict resolution. Romans

⁷ Cicero, *Republic* 1.33.51.

9-11 was explored and differences between the strong and the weak in the church highlighted along with Paul's *prolegomenon* in these chapters to the resolution of racial polarization. He acknowledged the fact of racial polarization and its unhealthy disruption of the stability and unity of the church. His anguish, pleas, and experience called for an appeal to the Christian's conscience and a new obligation to resolve the conflict between the strong and the weak, between the mostly Gentile "strong" and the mostly Jewish "weak."

Chapter 7 contrasted two ways to live: in the coercive Roman way in a culture of hierarchical obligations or in the cooperative Christian way produced in persons by the transforming actions of Christ. Paul presented a new concept of obligation for the church so that they could relate, communicate, and live harmoniously, especially with their social distinctions, social practices, and plan for conflict resolution. The foundation of obligation prefiguring Romans 15 is twofold. These are God's mercies and his gifts of grace. Each one was a benefit of God's benevolence and his "styled philanthropy" which expected reciprocity: gratuitous actions of mercy and grace.⁸ Each one supplied the church with a new obligation: for each person to present his or her body as a living sacrifice to be transformed by the renewal of the mind through Christ. The acts of mercy and grace expressed in service to others because of Christ strengthened the church. This created a new obligation establishing a framework for Paul's ethic of obligation.

The compelling, all-encompassing obligation that Paul introduced in Romans 15:1 was that of *imitatio Christi*. Chapter 8 explores how Paul sides with the theologically strong, outlines a framework for conflict resolution in the kingdom of God, and pleads with all his heart for the church not to destroy the work of God. By

⁸ Hands, *Charities and Social Aid*, 42; Aristotle, *Nicomachean Ethics* 5.5.4-7.

using obligation (Rom 15:1) he reversed the Augustan expectation of Roman obligation based on rank and status with the weak obligated to the strong. Paul proposed a radical ethic of the strong obligated to the weak. For both he used the command (“ought”) and prohibition (Rom 14:20, “you must not destroy the work of God for meat”) while obligating the church to *imitatio Christi*. This meant that the persons in the church had to surrender their privileges in order to bear the weaknesses of others and not please themselves. Rather they were to please their neighbours for the common good and to build up God’s family, the household of God. This overriding obligation of *imitatio Christi* formed a new model for the church, replacing the Augustan hierarchical model of *princeps* with the Christian reversed-status model that welcomed each person based on their worth and dignity in Christ. The indispensable, counter-cultural power of obligation concludes Paul’s critical and revolutionary tool for conflict resolution. The *imitatio Christi* would override all other obligations and empower spiritual transformation.

Paul’s primary focus was not to debate on Sabbath days and food, ethnical and cultural observances, or even social distinctions of authority and power, but on an obligation of highest loyalty and action: *imitatio Christi*. Roman obligation invoked legal, social and political action. In the *imitatio Christi* obligation invoked a new covenant with a new spirit for right conduct for social relations and conflict resolution.

2. Implications and Significance

The conclusions drawn from this study present a number of other assertions when taken from the concept of obligation.

First, obligation symbolizes a narrow field of study in the area of Roman backgrounds which attempts “to cull out linguistic, philosophical and other materials

which help show the context of New Testament ideas.”⁹ This thesis also shows one weakness of Greek grammars and lexicons because most do not recognize the full impact in the first century of a word like ὀφειλή. A key concept is to approach exegetical issues in the New Testament by going beyond mere word studies in an effort to “detect the lines of connection and interaction” in order to clearly understand the historical-fact-social-practice dynamic embedded in the biblical text.¹⁰ In Romans 14:1–15:13 there is embedded in the text a rich plethora of historical data concerning obligation and its practical importance in daily Roman life in the first-century world.

A cursory reading and a word study analysis of obligation has simply assessed it as a financial term of debt, *i.e.*, a moral obligation to repay a loan.¹¹ A word study covers the surface of obligation’s apparent meaning, but it misses the essential ancient elements of Roman obligation in the hierarchical “interchange of services,” in personal contracts, in social reciprocity as the “bond” of obligation, and in the emotional intensity characterized by the personal relations of obligation.¹² This study has evaluated and analysed Roman obligation within its socio-historical setting, decrying Roman obligation as a mere static, legal, financial or fiduciary responsibility while demonstrating the dynamic of obligation with its duties, responsibilities in time and place, and its strategic role in systems of power and social construct. Roman obligation does not sink into the background of Romans 14:1-15:13 but rather presents itself as an agreed social dynamic in the legal, political, and social aspects of Roman society. It is a tool for unified relationships.

Roman obligation has also clarified the importance of the social distinctions of rank and status, its role in conflict resolution and its consequences in its faithful duty

⁹ Judge, “St. Paul and Socrates,” *Interchange* 14 (1973): 106.

¹⁰ Judge, “St. Paul and Socrates,” *Interchange* 14 (1973): 107.

¹¹ Cranfield, 2:730 n. 1.

¹² Aristotle, *Nicomachean Ethics* 5.5.6.

or defiant refusal. Judge alludes to obligation's unique role in Roman society with two words: honour and shame. He states, "Honour and shame set the axis of social life for ancient cultures, but are upended by Paul in major confrontations."¹³ Paul's foundational purpose in using a conventional mode of social practice, obligation, finds totally new meaning as he reinterprets it in theological terms for the church. Paul's theological focus "upends obligation in a major confrontation"¹⁴ with the force of an imperative directed to the strong, especially, but also to the weak: the *imitatio Christi*. Paul's theological use of Roman obligation counteracted customary hierarchical and prejudicial tendencies in the church. Paul's primary concern is not social class or distinction but conflict resolution that produces unity in the household of faith. One could make a case that one of the reasons Paul wrote his letter to the Romans involved Roman obligation as his primary driving force for resolving conflict by helping the church focus on essential principles in God's kingdom and the witness of the gospel.

Second, by comparing primary Graeco-Roman sources and exploring New Testament studies in their socio-historic context in the first century, especially Paul's letters, the student uncovers countercultural innovations presented by Christ and the apostle Paul. The genius of Paul's understanding of Hebrew law, Roman social practice, and the integration of Roman law, *mores*, reciprocal relations, and conflict resolution into the dynamic of society, and his ability to turn the expected cultural term on its head and reconstruct it in a radical, countercultural, revolutionary way, identifies Paul an innovator of the highest order.¹⁵ A comparative analysis of Latin and Greek words from primary Graeco-Roman sources from antiquity and New

¹³ Judge, "Appeal to Convention," in Williams, Clarke, Head, Instone-Brewer, *The New Testament*, 187.

¹⁴ Judge, "Cultural Conformity and Innovation in Paul," *TynB* 35(1984): 24.

¹⁵ Judge, "Cultural Conformity and Innovation in Paul," *TynB* 35(1984): 24.

Testament studies sheds light upon first century social practice, New Testament exegesis, and the new innovations for social practice, relationships, and also the resolution of conflict for the church. A comparative analysis explores the innovations necessary to shape Christian social practice, concord, and reciprocal response based on the foundations of God's mercies and grace.

3. *Further Study*

The focal point of this study has been on Roman obligation within the word limits of this thesis. While not in the purview of this thesis, other lines of thoughts suggested themselves as further areas of exploration.

One might investigate Paul's use of the imperative as a form of stating an obligation. Exploring the use of the imperative in Romans 12 and 13 appears to unveil a plethora of underpinnings related to Roman obligation. Paul appears to highlight Roman obligation; and yet the apparent inconsistency of his arguments in some cases, especially in Romans 13:1 where he affirms obligation to the tyrant emperor Nero, could also be argued in light of Paul's obligatory word to Titus in Titus 3:1 concerning civil authorities, in light of Peter's obligation of submission to supreme authorities in I Peter 2:13-15, and in light of Paul's apparent disruption of public order in Ephesus in Acts 19 along with his other encounters with authorities in his missionary travels. Imperatives and their relationship to a code of ethics versus a Roman law code might be researched.

Further, Romans 1:14 could be explored in relation to Paul's obligation to the Greeks and barbarians, wise and unwise, and the social distinctions linked together under the language of debt. The language of Romans 1 indicates the law of obligation in its background: faith (*fides*), spiritual gifts (*beneficia*), mutual faith, debtor, and the

social distinction of Jew and Greek. Paul's obligation to the people in Rome is bound by the Gospel.

Further, Romans 4:4 indicates obligation as Paul discusses Abraham: *paterfamilias*, debt, heirs, good faith and the promise of an oath, each term carrying with it an underlying theme of Roman obligation. There may be an appeal to the Jews in his argument that possesses a double meaning for Abraham's faith that uses the language of Roman obligation with its binding nature.

Romans 16 could be studied with specific interest in the dynamic of status and obligation in the listing of the names in a connection with the language of patronage.¹⁶ The significance of the social interaction between the strong and the weak is solidified in Romans 16 both in its social reality and in Paul's call for resolution based on obligation.

Roman obligation might also be investigated in Romans 12:3 and in I Corinthians 8:2 in the form of "must" (δεῖ), an imperative that carries the force of an ethical, moral obligation. Paul often uses "Greek auxiliary verbs of obligation," such as δεῖ; and an argument could be made for reasons of Paul's use of auxiliary verbs of obligation and the force of the verbs in Roman social practice and the church's innovation of such verbs.¹⁷

Obligation has been argued and discussed in its many first-century facets as a binding force in Roman legal, political and social practice. The intensely personal, emotional, and hierarchical dynamic of obligation as a "lubricant" for the mechanisms in social practice arises in the language of obligation. Although it does not come within the purview of this dissertation obligation can be seen in the Gospels, Acts,

¹⁶ Clarke, "Paul's Theology of Inclusiveness," 103-25.

¹⁷ Judge, "Appeal to Convention," in Williams, Clarke, Head, Instone-Brewer, *The New Testament*, 186.

Paul's letters, and I Peter.¹⁸ In the Gospels in Matthew 18:21-34 obligation signifies the focus of Jesus' parable on forgiveness: those who calculated their duties and performed duties based on legal formulas, who were then asked to reconsider their duties and actions based on the supreme authority, Christ, and to forgive.¹⁹ When Jesus washed the feet of his disciples he proposed a new obligation and then presented the example (*exemplum*). Paul in Ephesians 4-5 suggests an apparent Christian code of obligation, similar to the approach that Peter takes in I Peter 2-3. Paul's letters to Titus (3:1) and Philemon (1:17-18) also have Roman obligation background ideas for exploration. Finally, while the list is not exhaustive, Hebrews (2:1, 17-18) and Revelation (1-3) suggest the competing hierarchical obligation of loyalty to Caesar or loyalty to Christ, the saviour. Each of these Scripture passages mentioned appeal to obligation, status, social distinction between the strong and the weak, duties, supreme loyalty, and good faith.

Ancient sources cast significant light on the New Testament uses of obligation, but it is also important to examine New Testament words, phrases, and textual elements in light of them. After all, "the New Testament is a veritable case-book of precept and practice," and a theory of social obligation can be gleaned by investigating New Testament precepts, practices, and conduct in their dynamic social contexts.²⁰

From this study it is evident that Roman obligation provides a significant background for the nature of understanding the power of the new, compelling obligation of *imitatio Christi* in the New Testament for first-century Christians. This study merely paves the way for further investigation into obligation in its revolutionary and resolute conditions of duty under Christ.

¹⁸ Saller, *Personal Patronage*, 5.

¹⁹ Cicero, *On Duties* 3.108.

²⁰ Judge, *Social Pattern*, 72.

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